

1                               BEFORE THE  
2                               ILLINOIS COMMERCE COMMISSION

3                               PUBLIC UTILITY REGULAR BENCH SESSION  
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7                               Chicago, Illinois  
8                               March 10, 2010

9                               Met, pursuant to notice, at 10:30 a.m.

10                              BEFORE:

11                              MR. MANUEL FLORES, Chairman

12                              MS. LULA M. FORD, Commissioner

13                              MS. ERIN M. O'CONNELL-DIAZ, Commissioner

14                              MR. SHERMAN J. ELLIOTT, Commissioner

15                              MR. JOHN T. COLGAN, Commissioner  
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1           CHAIRMAN FLORES: Good morning everybody.

2       Pursuant to the provisions of the Illinois Open

3       Meetings Act, we now convene the regularly scheduled

4       bench session of the Illinois Commerce Commission.

5       With me in Chicago are Commissioners Ford,

6       O'Connell-Diaz, Elliot and Acting Commissioner

7       Colgan. I am Acting Chairman Flores.

8                       We have a quorum.

9                       Before moving into the agenda,

10       according to Section 1700.10 of the Illinois

11       Administrative Code this is the time we allow members

12       of the public to address the Commission. Members of

13       public wishing to address the Commission must notify

14       the Chief Clerk's Office at least 24 hours prior to

15       the bench session. According to the Chief Clerk's

16       Office, there are 5 requests to speak. Speakers are

17       permitted 3 minutes to address the Commission.

18                       Please be advised that the Commission

19       values the public's participation in the public

20       comment period, but according to ex parte laws and

21       other procedural rules, we the Commissioners are

22       unable to respond. However, if members of the public

1     have any questions, please contact our Consumer  
2     Services Division.

3                     First this morning we have Ms. Linda  
4     Applewhite, would you please approach the bench.

5             MS LINDA APPLEWHITE:   How are you?

6             CHAIRMAN FLORES:   You may begin,  
7     Ms. Applewhite.

8             MS LINDA APPLEWHITE:   How are you doing?

9             CHAIRMAN FLORES:   I'm doing very well.   Good  
10    morning, ma'am.

11                    You may begin.

12             THE WITNESS:   My name is Linda Applewhite.   The  
13    first part of September of '09, I would say, someone  
14    came to my door and said that they could make my gas  
15    bill cheaper.   By me being on disability, that  
16    sounded really good.   So -- what -- they informed me  
17    that the way that you look at your bill, they count  
18    them as therms and they said my therms would be about  
19    40¢ a month as opposed to whatever Peoples Gas was.  
20    If it goes up, my therms would be 40¢.   And when I  
21    first got my first bill -- no, first they sent me a  
22    letter saying that my therms would be 79¢ a therm,

1 plus they say I signed up for green energy, which  
2 would be 10¢ extra. So in reality I was paying 89¢ a  
3 therm which was already more than what Peoples Gas  
4 was charging me. And when I got my first bill,  
5 that's when I realized that what they told me was not  
6 true. Peoples Gas -- I had two bills on my Peoples  
7 Gas account.

8                   From Peoples Gas I remember it being  
9 \$34 and for Just Energy it came up to \$238. So I  
10 picked up the phone and called Just Energy and I  
11 asked why I had two prices on my gas bill. They  
12 informed me that the \$32 gas bill was for using  
13 Peoples Gas' equipment, and that I used \$200 and  
14 some-odd dollars of Just Energy gas and that's the  
15 way it would be.

16                   I said, Well I don't like this. I  
17 would like to get out of this. They told me I  
18 couldn't because I was in a contract for five years.  
19 And the way they do that -- they came in September.  
20 You get a letter -- I got my first letter the 29th of  
21 September. They said you have a month to get out of  
22 it, but when they send you your next bill, your month

1     has overlapped so it's too late to get out of that  
2     contract because after you get your first bill your  
3     month is already over with. And my thing is, I got  
4     my two kids into it too because they were at the  
5     house visiting and it sounded so good. They signed  
6     up for it and their gas bill is way worse than mine.

7             CHAIRMAN FLORES: Thank you, Ms. Applewhite.

8                     Next we have Ms. Nicole Applewhite.

9             MS. NICOLE APPLEWHITE: Good morning.

10            CHAIRMAN FLORES: Good morning.

11            MS. NICOLE APPLEWHITE: My name is Nicole  
12     Applewhite. I am the daughter of Linda Applewhite.  
13     In September of '09, I was at --

14            CHIEF CLERK: I'm sorry. The microphone is not  
15     on. We can't hear her in Springfield.

16            COMMISSIONER FORD: Is the green light on?

17            MS. NICOLE APPLEWHITE: Is that better?

18            CHAIRMAN FLORES: That's okay, Ms. Applewhite.

19            MS. NICOLE APPLEWHITE: Again, my name is  
20     Nicole Applewhite. I am the daughter of Linda  
21     Applewhite. In September of '09 I was at my mom's  
22     house when a door to door rep for Just Energy came to

1 speak with my mom about her energy bill. I was there  
2 listening and what the reps -- it was two reps, a  
3 male and a female, and what they explained was  
4 that -- exactly what they said was the therms -- I  
5 don't know how to read my energy bill, just so that  
6 you know. I don't know how to read it. And they  
7 wanted a bill so they could go over it and we can  
8 show you. Most people don't understand how to read  
9 the bill and we would like to see the bill so that we  
10 can go over and explain to you what you would be  
11 paying. They told us and then showed me that it  
12 would be 48¢ a therm and that at this time we're  
13 cheaper than Peoples Gas and every month it goes up  
14 and you wouldn't have to worry about paying more  
15 prices because you will stay at this 48¢ a therm  
16 because every month it goes up.

17                   So I'm listening to their pitch and I  
18 said, That's great. I would like for my bill to be  
19 lower, but I have Nicor and I don't have a bill with  
20 me. We're cheaper than Nicor, also. All I have to  
21 do is to call them or get your account number. So  
22 they called right then and got my account number and

1 switched me over. My bill is generally -- was  
2 generally, maybe about \$50 a month. When I got my  
3 first bill from Just Energy it was about \$250.

4 Like my mom, when I called I told  
5 them, No, we were -- I was misled and, you know,  
6 basically lied to. And, again, There's nothing we  
7 can do. You're in contract, blah, blah, blah. Well,  
8 I refuse to pay you. I'm not going to pay you. So  
9 right now I'm still under contract because I couldn't  
10 get out of it. My mom got out of it because she went  
11 to try to get some assistance with the bill and they  
12 couldn't help her because she signed up with Just  
13 Energy. I never qualified to get assistance, so I  
14 never bothered to go and try and get assistance, but  
15 they helped her get out off it .

16 As of now my bill is \$1,000 from Just  
17 Energy. I found out later when I tried to get into  
18 it and understand my bill, at the time of signing up  
19 when they told my 38¢ a therm and we got the letter  
20 and it's actually 89¢ a therm, I was paying 33¢ a  
21 therm with Nicor. So they really, really got me.  
22 And so I'm in a position now where I want to get out

1 of this contract with them and I know I have to pay  
2 them because I did use some gas, but I'm not sure  
3 what I can do to actually maybe pay -- not the 89¢ a  
4 therm, maybe what Nicor is because that's what I  
5 would have been paying had I stayed with Nicor. I  
6 don't feel that I should have to pay them the full  
7 amount because it was misleading and I think  
8 fraudulent.

9 CHAIRMAN FLORES: Thank you, Ms. Applewhite.

10 Next we have Ms. Lillie Johnson.

11 MS. LILLIE JOHNSON: Good morning.

12 CHAIRMAN FLORES: Good morning, Ms. Johnson.

13 MS. LILLIE JOHNSON: My name is Lillie Johnson  
14 and I'm a resident of the City of Chicago and a  
15 customer of Peoples Gas.

16 On September of 2009, a Just Energy  
17 sales rep came by my door selling gas services. The  
18 plan he pitched was a confusing plan, it was very  
19 confusing and it included a green energy option.  
20 After hearing the sales pitch, I indicated that I was  
21 not interested in the plan and I did not want to  
22 switch to Just Energy because at the time he was



1     selling a plan that was 79¢ per therm and at that  
2     time I was paying approximately 51¢ per therm. And I  
3     had just recently heard in the news that the price of  
4     home energy was going down, so there was no reason  
5     for me to sign up for a plan that was 79¢ per therm  
6     when I was paying much less at the time.

7                     Well, at that time he asked me if I  
8     could see my gas bill and I showed him my gas bill,  
9     which I should not have, because he wrote my account  
10    number down and I asked him -- he said I qualified  
11    for the plan. So I asked him how could he tell I  
12    qualified for the plan by just looking at my gas bill  
13    and he said that he could tell that I paid my bill.  
14    And so I left it at that. I told him again I do not  
15    want to switch to Just Energy.

16                    Well, he left and after a few weeks I  
17    received a bill from Peoples -- I received a letter  
18    from Peoples Gas indicating that on or around October  
19    27th that Just Energy would be my gas supplier. And  
20    that indicated to me that I had been switched to Just  
21    Energy. Well I didn't switch. I never signed a  
22    contract. I never gave verbal approval for them to

1     switch me to Just Energy. And because someone  
2     switched my energy, this makes me very angry that  
3     someone can do that without, first of all, a signed  
4     contract. And secondly, even without me telling them  
5     to go ahead and do it. I have nothing.

6                     So switching without my consent, to  
7     me, that's fraud. And if they can switch me without  
8     my consent, I can only wonder how many other  
9     residents of Illinois have been switched without  
10    their consent under this fraudulent practice. So I  
11    beg, please, stop this company from taking advantage  
12    of other Illinois consumers like me. Thank you.

13                    CHAIRMAN FLORES: Thank you, Ms. Johnson.

14                    The next person that we have is  
15    Mr. Renee Green.

16                    MS. RENEE GREEN: My name is Renee Green and  
17    good morning. In August of last year I had a  
18    gentlemen come to my door -- I was home feeding my  
19    three-and-a-half-month old and my two and-a-half-year  
20    old -- and he told my that he was a gentlemen from  
21    Just Energy and that Just Energy was the supplier for  
22    the gas for Nicor and that he just wanted to make

1     sure Nicor was not overcharging their gas. So I was  
2     very happy. I let him in my house to look at my bill  
3     and to make sure he was saving me some money. I was  
4     in the middle of feeding my children and he asked me  
5     to just sign this form stating that Nicor could not  
6     charge me more than 79¢ per therm, it could go below,  
7     but never above 79¢ per therm. I told him I couldn't  
8     read over the whole form so he just showed me where  
9     to sign and what it was for. So I signed that line  
10    and the other line I signed, it was just stating that  
11    he did his job.

12                   My next bill was triple the amount of  
13    my regular Nicor bill. So I called Nicor and they  
14    told me, Honey, you're not with us anymore. I was  
15    completely shocked and I didn't know what to do.  
16    They told me to call them. Well, come to find out, I  
17    was not only just paying 79¢ a therm at a fluctuating  
18    rate -- I wasn't paying it at a fixed rate, plus a  
19    25¢ geotherm, which he never discussed anything about  
20    a geotherm for me. So in total I was paying \$1.04.  
21    I've never been scammed before, and I know it was  
22    stupid on my behalf for not reading what I signed,

1 but he totally misled me and I just felt very  
2 scammed.

3 CHAIRMAN FLORES: Thank you.

4 Next we have Mr. Jose Cortez.

5 THE INTERPRETER: Mr. Cortez only speaks  
6 Spanish. I offered to interpret for him, if you  
7 like.

8 CHAIRMAN FLORES: I have no issues with that.

9 Commissioners?

10 COMMISSIONER COLGAN: Of course not.

11 CHAIRMAN FLORES: Very well.

12 THE INTERPRETER: Good morning. My story began  
13 in September when a gentlemen called Reese knocked on  
14 my door. He was offering me a cheaper gas which was  
15 going to be some administered by Just Energy. I  
16 don't understand how this company can administer gas  
17 without the means to be able to deliver this gas to  
18 consumers.

19 In that time I used to pay a monthly  
20 bill of \$32, now I pay \$90 to \$100. When I realized  
21 that what they were doing was renting their pipelines  
22 from Peoples Gas, I contacted them and I asked them

1 to cancel the service. They asked me to stay and  
2 instead of paying 79¢ per therm, they were going to  
3 reduce it to 59¢ per therm. I told them I was not  
4 interested. I wanted to end the contract. I had to  
5 pay \$50 for a cancellation fee. I told them I didn't  
6 care. I would pay them a hundred, but I didn't want  
7 the contract any longer. So in order for them to  
8 cancel the contract, I had to use words that I cannot  
9 say or repeat at this time. So that's when they  
10 canceled the contract.

11 After that I excused myself to the  
12 person I was speaking to because I misbehaved because  
13 I understood that he had to support his family, but  
14 that he shouldn't support thieves like Peoples Gas or  
15 Just Energy. Thank you.

16 CHAIRMAN FLORES: Thank you.

17 We have no further witnesses.

18 Turning now to the public utility  
19 agenda. There are minutes to approve from the  
20 February 10, 2010, bench session. I understand the  
21 minutes have been forwarded.

22 Is there a motion to amend the

1 minutes?

2 COMMISSIONER FORD: So moved.

3 CHAIRMAN FLORES: Is there a second?

4 COMMISSIONER O'CONNELL-DIAZ: Second.

5 CHAIRMAN FLORES: It's been moved and seconded.

6 All in favor say "aye."

7 (Chorus of ayes.)

8 Any opposed?

9 (No response.)

10 The vote is 5-0 amending the minutes.

11 Is there a motion to approve the

12 minutes as amended?

13 COMMISSIONER ELLIOTT: So moved.

14 CHAIRMAN FLORES: Is there a second?

15 COMMISSIONER COLGAN: Second.

16 CHAIRMAN FLORES: It's been moved and seconded.

17 All in favor say "aye."

18 (Chorus of ayes.)

19 Any opposed?

20 (No response.)

21 The vote is 5-0 approving the minutes

22 as amended.

1                   We are holding Items G-2, G-3 and W-3.  
2                   We'll be moving on to the electric  
3 agenda.  
4                   Item E-1 is a tariff filing by  
5 MidAmerican Energy Company proposing revisions to  
6 Rider 4 and Rider 14. Staff recommends that the  
7 Commission allow the Company's proposed filings by  
8 not suspending the filing.  
9                   Is there a motion to not suspend the  
10 filing?  
11                  COMMISSIONER FORD: So moved.  
12                  CHAIRMAN FLORES: Is there a second?  
13                  COMMISSIONER ELLIOTT: Second.  
14                  CHAIRMAN FLORES: It's been moved and seconded.  
15                   All in favor say "aye."  
16                   (Chorus of ayes.)  
17                   Any opposed?  
18                   (No response.)  
19                   The vote is 5-0. The filings will not  
20 be suspended. We will use this 5-0 vote for the  
21 remainder of the agenda unless otherwise noted.  
22                   Item E-2 is a tariff filing by

1 Commonwealth Edison Company proposing revisions to  
2 the design of its customer bill form. Staff  
3 recommends that the Commission allow the Company's  
4 proposed filings by not suspending the filing.

5 Is there any discussion?

6 (No response.)

7 Any objections?

8 (No response.)

9 Hearing none, the filings will not be  
10 suspended.

11 Item E-3 is Docket 09-0484. This is a  
12 complaint by Louis Testa against Commonwealth Edison  
13 company. The parties have settled and moved to  
14 dismiss. ALJ Gilbert recommends dismissing the  
15 complaint with prejudice.

16 Is there any discussion?

17 (No response.)

18 Any objections?

19 (No response.)

20 Hearing none, the complaint is  
21 dismissed with prejudice.

22 Item E-4 and E-5 will be taken



1     together.   These are applications for licensure of  
2     agents, brokers and consultants pursuant to  
3     Sections 16-115C of the Public Utilities Act.   The  
4     ALJs recommend entering the Orders granting the  
5     certificates.

6                     Is there any discussion?

7                     (No response.)

8             CHAIRMAN FLORES:   I have a question and this  
9     may have already been resolved, but I just want to be  
10    clear on this:   Before -- this is to the ALJs --

11            JUDGE YODER:   Yes, Chairman.

12            CHAIRMAN FLORES:   The evaluation on the  
13    granting of the certificates, did we review whether  
14    or not any of these applicants or agents had any  
15    outstanding actions against them or pending actions  
16    against them in other states or other jurisdictions?

17            JUDGE YODER:   Yes, Chairman.   In some cases  
18    supplemental ALJ rulings were sent out to the  
19    parties, in some instances, I think it might have  
20    been combined with any other deficiencies.   Docket  
21    09-0604 indicated that it is registered with the  
22    Massachusetts Department of Public Utility's Energy

1 broker and has had no complaints filed against it for  
2 its provisional services in the gas or electric  
3 industry.

4 Docket 09-0599, World Energy,  
5 indicated that it is certificated in 14 other  
6 jurisdictions similar to the ABC licensing in  
7 Illinois and also it had no complaints filed against  
8 it for its provision of services in the gas or  
9 electric industry.

10 CHAIRMAN FLORES: Do you know whether or not as  
11 part of that analysis we inquired with, perhaps,  
12 organizations that are analogous to the Citizens  
13 Utility Board like we have here in the State of  
14 Illinois, where, perhaps, actions or complaints may  
15 be registered to those organizations; but not in  
16 particular being pursued by the Public Utilities  
17 Commissions in those jurisdictions?

18 JUDGE YODER: No, Chairman. No other inquiry  
19 was made for organizations similar to the Citizens  
20 Utilities Board in those other jurisdictions.

21 CHAIRMAN FLORES: What about analysis or  
22 questions of the Better Business Bureaus in those

1 jurisdictions and whether or not we made inquiries to  
2 their Better Business Bureaus?

3 JUDGE YODER: No, Chairman.

4 CHAIRMAN FLORES: Okay. For the sake of  
5 discussion, I would propose that we may want to  
6 evaluate whether or not it may be prudent to go  
7 beyond just asking whether or not there are formal  
8 complaints being registered before Public Utilities  
9 Commissions such as this one for the sake of getting  
10 a clearer picture in terms of what may be going on in  
11 those jurisdictions. I don't know.

12 Is there any discussions?

13 COMMISSIONER FORD: It has to be in the  
14 statute -- I mean the rules -- the Administrative  
15 Code.

16 JUDGE WALLACE: Mr. Chairman, this is Judge  
17 Wallace. We think that the inquiry to the applicant  
18 itself, you know -- I don't know that CUB or the  
19 Better Business Bureau will elicit any valid  
20 information because those types of organizations are  
21 private organizations and the information we would  
22 receive from them would not be readily admissible in

1     these types of proceedings.

2             COMMISSIONER O'CONNELL-DIAZ:   The other thing I  
3     would just point out, and it's reflected in the  
4     preliminary matters of the Order, is that the parties  
5     are under oath when they present the testimony that  
6     is elicited.   That would have to be, I think, a staff  
7     function to start a discovery procedure in these  
8     other jurisdictions.   And as we heard earlier today,  
9     these are 14 jurisdictions and I really don't know  
10    how to do that.

11            COMMISSIONER ELLIOTT:   I sort of agree.   I  
12    think the issue of -- if it hasn't come before a  
13    regulatory proceeding and gone through the  
14    evidentiary basis, similar to the complaint process  
15    we engage in here, I'm not sure how admissible it  
16    would be just to --

17            CHAIRMAN FLORES:   That may be the case, but I  
18    think it still may be something that we may want to  
19    further discuss at a later point.   We've reviewed --  
20    the concern always is, again, what are some of these  
21    companies doing in other jurisdictions and can we  
22    glean from their experiences in other places.   And,

1 in particular, where there may be instances of cases  
2 where, you know, you see some egregious conduct. And  
3 to the extent that the information is out there and  
4 it's not that difficult to come about by, perhaps  
5 another just simple phone call or inquiry and at the  
6 minimum, we can include it in the record, I think it  
7 can offer some level of instruction.

8 In particular, given -- you know -- I  
9 think our interest, as Commissioner O'Connell-Diaz  
10 has indicated, when there are violations earlier as  
11 she indicated -- or rather instructions that were  
12 made in terms of filing complaints before this  
13 Commission, I think it could be -- could provide for  
14 some additional level of instruction. So --

15 COMMISSIONER ELLIOTT: I tend to agree that it  
16 would be a regulatory or a court or county  
17 jurisdiction. I would agree. Where I could go to  
18 the regulatory body and go through due process.

19 COMMISSIONER FORD: It would certainly have to  
20 be a regulatory body.

21 COMMISSIONER ELLIOTT: Exactly. I would look  
22 to their decisions in other jurisdictions as opposed

1 to --

2 COMMISSIONER O'CONNELL-DIAZ: I just harken  
3 back to the days of the slamming that went on in the  
4 telecommunications industry and as those markets  
5 became competitive. We had a host of bad actors that  
6 came in here. And during the proceedings involving  
7 those particular companies, there was discovery  
8 having to do with the cases that were pending  
9 relative to a high number of consumer complaints. So  
10 I think that there is a mechanism for that and I  
11 think that the inquiry that Judge Yoder has suggested  
12 has become -- you know, its kind of the way that they  
13 to do it. I find that to be appropriate.

14 You know, with regard to the  
15 consumers earlier -- going to your point, Mr. Flores,  
16 with regard to the consumer knowing what they can do  
17 or can't do, these consumer have not been told the  
18 right information, I believe, these people that came  
19 here today. They have a right to file a complaint  
20 against the provider of that service and they should  
21 do so. Certainly that's up to them, but I'm quite  
22 taken aback that we would hear these stories this

1 morning and that these folks have not filed consumer  
2 complaints with our consumer division, that's what  
3 they're there for.

4 COMMISSIONER COLGAN: Mr. Chairman -- and I  
5 think that's what I think you're trying to get at is  
6 that there are these violations that happen and  
7 people make complaints, but they don't make those  
8 complaints to the legal authority that can actually  
9 have jurisdiction over it. I share your concerns  
10 that -- I mean, there's a ton of these ABCs that have  
11 come through -- I mean, every session we have five or  
12 six of those it seems. And I think our intent is  
13 to -- before we invite in bad players, that we take  
14 precautions to make sure that doesn't happen.

15 So I appreciate the concerns by all of  
16 the Commissioners on this issue and maybe we take  
17 that under advisement and we can have further  
18 discussions about the very best way that we can do  
19 that without creating a lot of unnecessary work for  
20 the Staff, it's already really busy; but to try to  
21 make sure that we have really reasonable policies in  
22 place that try to discover this before it becomes an

1 issue.

2 COMMISSIONER FORD: I think if you look back in  
3 the preliminary matters, the ALJ heard what we said  
4 last week because he said he requested additional  
5 information on the applicant, so they heard us. And  
6 so they did do what we asked them to do, in my  
7 opinion, due diligence by asking. And they were  
8 under oath, I think, when they gave this information,  
9 so we can always come back. This Commission has the  
10 jurisdiction to come back and say, You did not give  
11 us the right information.

12 COMMISSIONER ELLIOTT: Just to reenforce what  
13 Commissioner O'Connell-Diaz mentioned, we've gone  
14 down this path before in this regulatory agency with  
15 the telecommunications carrier (someone coughing) and  
16 legislative processes and regulatory processes to  
17 protect consumers, and there were problems and they  
18 were -- and so we shouldn't have to file this round  
19 again. This type of information that we engaged in  
20 or embodied in our telecommunications certification  
21 cases, I think, should be adopted and adapted and --

22 COMMISSIONER O'CONNELL-DIAZ: You know, I heard



1     this morning from one of the presenters that they  
2     were directed to call someone else other than the  
3     Commission. That's troubling to me and it was from  
4     one of our regulated entities, at least that's the  
5     story that I heard.

6             COMMISSIONER FORD: It was alleged.

7             COMMISSIONER O'CONNELL-DIAZ: Maybe there was  
8     misunderstanding, but this is the regulatory body  
9     that licenses these providers and this is the place  
10    that citizens come to file a complaint relative to  
11    any issue that they may have. So to me I think that  
12    Commissioner Colgan is right on. It's a question of  
13    getting that message out to consumers that this is  
14    the place you come. Don't join some group and think  
15    that -- if you've got an individual complaint, come  
16    here. This is what we do.

17            COMMISSIONER COLGAN: I think we're --

18            CHAIRMAN FLORES: And that's my point. If it  
19    goes on in this jurisdiction, I think it's a pretty  
20    safe bet to assume that it's going on in other  
21    jurisdictions as well in which, unfortunately, you  
22    have a scenario where the Public Utility Commissions

1 are not the only places where people are going and  
2 registering complaints. I, for one, am as concerned  
3 as all of you are, in particular, hearing the  
4 egregious allegations of -- some of the allegations  
5 that were made. And if we have an opportunity to  
6 gather information that's readily accessible, that we  
7 at least ask for it.

8 I'm not saying that we weigh and make  
9 a decision given also the concerns for due process,  
10 but at the minimum that we have that information in  
11 our file for the purposes of making sure that we  
12 protect the consumers from egregious conduct.

13 COMMISSIONER O'CONNELL-DIAZ: I think everyone  
14 is interested in protecting the consumers.

15 CHAIRMAN FLORES: I think you're right  
16 Commissioner O'Connell-Diaz.

17 Any further discussion on this matter?

18 (No response.)

19 Item E-6 is Docket 09-0614. This is a  
20 complaint by Merle Hudgins and Marcial Salgado  
21 against Commonwealth Edison Company. ALJ Kimbrel  
22 recommends dismissing the complaint.

1                   Is there any discussion?

2                   (No response.)

3                   Any objection?

4                   (No response.)

5                   Hearing none, the complaint is

6 dismissed with prejudice.

7                   That concludes the electric portion of

8 today's agenda.

9                   Turning to natural gas, as previously

10 mentioned, we are holding Items G-2 and G-3.

11                   Items G-1 and G-5 will be taken

12 together. These are complaint cases where the

13 parties have settled and moved to dismiss. The ALJs

14 recommended dismissing the complaints with prejudice.

15                   Is there any discussion?

16                   (No response.)

17                   Any objections?

18                   (No response.)

19                   Hearing none, the complaints are

20 dismissed with prejudice.

21                   Item G-4 is Docket 09-0408. This is a

22 complaint by Valentina Taylor against Peoples Gas

1     Light and Coke Company.  ALJ Hilliard recommends  
2     entering the Order dismissing the complaints, with  
3     prejudice.

4                     Is there any discussion?

5                     (No response.)

6                     Any objections?

7                     (No response.)

8                     Hearing none, the order is entered.

9                     Item G-6 is Docket 10-0084.  This is a  
10     petition by Interstate Gas Supply of Illinois, Inc.,  
11     to keep confidential portions of its 2009 Report of  
12     Continued Compliance as an Alternative Gas Supplier.  
13     ALJ Sainsot recommends entering an Order granting the  
14     petition for a period of two years.

15                    Is there any discussion?

16                    (No response.)

17                    Any objections?

18                    (No response.)

19                    Hearing none, the Order is entered.

20                    Item G-7 is Docket 10-0098.  This is a  
21     petition by Consumer Gas Company seeking authority  
22     pursuant to Section 6-102 of the Public Utilities Act

1 to incur indebtedness in the amount of \$1.5 million.  
2 Chief ALJ Wallace recommends entering Order granting  
3 the petition.

4 Is there any discussion?  
5 (No response.)  
6 Any objections?  
7 (No response.)  
8 Hearing none, the order is entered.  
9 That concludes the natural gas portion  
10 of today's agenda.

11 Starting with the telecommunications  
12 agenda, Item T-1 is a tariff filing by Illinois Bell  
13 Telephone Company seeking to modify the retail and  
14 resale of \$5 residence Access Line Retention Offer.  
15 Staff recommends not suspending the filing.

16 Is there any discussion?  
17 (No response.)  
18 Any objections?  
19 (No response.)  
20 Hearing none, the filings will not be  
21 suspended.

22 Item T-2 is Docket 09-0279. ALJ Baker

1 recommends Entering an Amendatory Order making  
2 corrections to the Certificate of Local and  
3 Interexchange Authority.

4 Is there any discussion?

5 (No response.)

6 Any objections?

7 (No response.)

8 Hearing none, the amended Order is  
9 entered.

10 Item T-3 and T-4 will be taken  
11 together. These are applications requesting  
12 Certificates of Service Authority to provide resold  
13 wireless communication services in Illinois. ALJ  
14 Riley recommends entering the Orders granting the  
15 certificates.

16 Is there any discussion?

17 (No response.)

18 Any objections?

19 (No response.)

20 Hearing none, the Orders are entered.

21 Item T-5 and T-6 will be taken  
22 together. These are verified petitions to withdraw

1       Certificates of Service Authority.   ALJ Baker  
2       recommends entering the Order granting the petitions.  
3                   Is there any discussion?  
4                   (No response.)  
5                   Any objections?  
6                   (No response.)  
7                   Hearing none, the orders are entered.  
8                   Items T-7 through T-11 will be taken  
9       together.   Staff recommends entering the Orders  
10       initiating citation proceedings for failure to  
11       maintain corporate status.  
12                   Is there any discussion?  
13                   (No response.)  
14                   Any objections?  
15                   (No response.)  
16                   Hearing none, the Orders are entered.  
17                   Item T-12 is Docket 09-0317.   This is  
18       an investigation proceeding as to whether interstate  
19       access charges by Norlight, Inc., d/b/a Cinergy  
20       Communications were just and reasonable.   ALJ Benn  
21       finds that the revised tariffs are just and  
22       reasonable and recommends dismissing the proceeding,

1     without prejudice.

2                     Is there any discussion?

3                     (No response.)

4                     Any objection?

5                     (No response.)

6                     Hearing none, the proceeding is

7     dismissed without prejudice.

8                     Item T-13 is Docket 09-0382. This

9     item initiates a rulemaking proceeding and

10    authorization for the first notice period. The rule

11    amends 83 Illinois Administrative Code Part 732

12    entitled "Customer Credits." ALJ Benn recommends

13    entering the first notice Order.

14                     Is there any discussion?

15                     (No response.)

16                     Any objections?

17                     (No response.)

18                     Hearing none, the Order is entered.

19                     Item T-14, T-15, and T-17 through T-25

20    will be taken together. These are petitions for

21    relief to protect disclosure Petitioners' 2009 Annual

22    Report. The ALJs recommend entering Orders granting



1     the petitions, but only for a period of 2 years.

2                     Is there any discussion?

3                     (No response.)

4                     Any objections?

5                     (No response.)

6                     Hearing none, the Orders are entered.

7                     Item T-16 is Docket 10-0011. This

8     matter concerns a joint motion to extend the deadline

9     in this case. ALJ Hilliard recommends entering an

10    Order extending the deadline in this case to

11    October 21, 2011.

12                    Is there any discussion?

13                    (No response.)

14                    Any objections?

15                    (No response.)

16                    Hearing none, the Order is entered.

17                    Item T-26 is Docket 10-0101. This is

18    an amendment to an interconnection agreement. ALJ

19    Benn recommends entering the Order approving the

20    amendment -- actually, I have here Order approving

21    the agreement.

22                    Is there any discussion?

1 (No response.)

2 Any objections?

3 (No response.)

4 Hearing none, the Order is entered.

5 That concludes the telecommunications

6 portion of the agenda.

7 Turning to water and sewer, item W-1

8 is Docket 10-0194. This is a tariff filed by Aqua

9 Illinois, Inc., to increase its rates for water

10 service in the Kankakee Water Division. Staff

11 recommends the filing be suspended and set for

12 hearing.

13 Is there any discussion?

14 (No response.)

15 Any objections?

16 (No response.)

17 Hearing none, the filing will be

18 suspended.

19 Item W-2 is Docket 08-0083. This is

20 an application by Illinois American Water Company for

21 a Certificate of Public Convenience and Necessity to

22 service a parcel in DuPage County. ALJ Baker

1 recommends entering the Order approving the  
2 application.

3 Is there any discussion?

4 (No response.)

5 Any objections?

6 (No response.)

7 Hearing none, the order is entered.

8 As stated previously, item W-3 is  
9 being held.

10 Item W-4 is Docket 10-0107. This is a  
11 request by Aqua Illinois, Inc., for waiver of a  
12 provision in 83 Illinois Administrative Code Part 285  
13 to use 2008 AICPA guide. ALJs Hilliard and Benn  
14 recommend granting the waiver.

15 Is there any discussion?

16 (No response.)

17 Any objections?

18 (No response.)

19 Hearing none, the waiver is granted.

20 This concludes the water and  
21 wastewater portion of the agenda. There is one  
22 miscellaneous item on today's agenda.

1                   Item M-1 is a Resolution adding a new  
2   page, 11b, to Form 21ILCC, the annual report form for  
3   electric utilities, licensees and/or natural gas  
4   utilities. Staff recommends entering the Resolution.

5                   Is there any discussion?

6                   (No response.)

7                   Any objections?

8                   (No response.)

9                   Hearing none, the Resolution is  
10   entered.

11                   Turning now to Petitions for  
12   Rehearing, items PR-1 concerns petitions for  
13   rehearing in Docket 09-0166/09-0167 consolidated,  
14   North Shore Gas Company and Peoples Gas Light and  
15   Coke Company's proposed general increase in natural  
16   gas rates.

17                   The Utilities, the Attorney General,  
18   Citizens Utility Board, and the City of Chicago have  
19   filed petitions for rehearing.

20                   I will be voting present on this case  
21   at this time. Given that when this matter was first  
22   before us in January for the final order, at that

1     time I did not vote given that that was the first day  
2     that I started on the Commission.

3                     Judges Moran and Haynes, will you  
4     please briefly discuss this matter.

5             JUDGE MORAN: We have these applications for  
6     rehearing. The Commission has 20 days to rule on  
7     them. Some applications were filed earlier than  
8     others. Pursuant to law, the Commission was to take  
9     action on these pleadings by March 11. In one of the  
10    applications for rehearing, there were certain  
11    technical corrections.

12                    If the Commission grants rehearing, we  
13    will include those corrections in an order on  
14    rehearing. If the Commission doesn't grant  
15    rehearing, then we're going to submit a separate  
16    Amendatory Order on those corrections. We've  
17    submitted a memorandum that pretty closely  
18    approximates the arguments and points of error raised  
19    by the parties.

20                   JUDGE HAYNES: The first issue that the  
21    Utilities seek rehearing on is the compensation  
22    issue. And the Order adopted Staff's position, for

1 the most part, on this issue and the Utility doesn't  
2 raise anything new on their petition for rehearing  
3 and we do not recommended that you grant a rehearing  
4 on that issue.

5 And the second issue is the pension  
6 asset liability and OPEB liability and somewhere the  
7 compensation issue. We don't recommended rehearing  
8 and this decision that the Commission reached in the  
9 Order is consistent with the Peoples Gas rate case.  
10 We also believe it's consistent with the recent  
11 appeal of the ComEd rate case and we don't need a  
12 rehearing.

13 JUDGE MORAN: We've got two sets of issues  
14 under Rider ICR. The first is the challenge to the  
15 orders directives on the Rider ICR. Baseline --  
16 that's where the Commission directed the company to  
17 meet with Staff and determine a baseline for  
18 calculating costs. That would be put in and modify  
19 the Rider.

20 The problem is as City and CUB and the  
21 AG have set out that setting rights is purely a  
22 Commission function and it is a task that really

1 cannot be delegated to either Staff or to the  
2 Company. Now, the parties have raised that point.  
3 We think they're right on that point. They're also  
4 talking about this sort of constitutes a legal  
5 settlement. The problem is, I think, with this  
6 language is the Commission didn't carry to another  
7 step. If they didn't say that the results of those  
8 negotiations would be brought back to the Commission  
9 for some type of approval either in this proceeding  
10 or in another proceeding. But you've got to put the  
11 stamp on it and you've got to find that it's just and  
12 reasonable and appropriate in the circumstances. And  
13 for all these reasons that we've kind of explained  
14 and set out in this memo, we believe that rehearing  
15 is wrong to adhere, but on that specific issue only  
16 and if the Commission agrees that we ask that you  
17 make that clear. I'm saying that because we find  
18 that there are other challenges to the Commission's  
19 approval to Rider ICR. Those are in many ways the  
20 same arguments that were raised before. We've gone  
21 through all those objections and those objections  
22 incidentally are only raised by two parties, the AG

1     and CUB.

2                     And I think if you go to the final  
3     recommendation on Page 10 it kind of says it all.  
4     This is taken out of CUB's application for rehearing.  
5     And it really specifies what this Commission did. It  
6     reviewed whether an accelerated main replacement  
7     program could go forward. It considered whether the  
8     company had shown the Rider ICR is just and  
9     reasonable. It went through discussion of the legal  
10    standards. It discussed all the terms and the  
11    proposals for the Rider ICR tariff and then it went  
12    through this balancing act of trying to make it even  
13    better than anybody had proposed. You can't read  
14    this account and not be convinced that the Commission  
15    did everything right in terms of ICR. So therefore  
16    we find no reason to have rehearing on that issue.

17                    The next point of argument is  
18    challenges to the capital structure. Again, we go  
19    through an explanation and an analysis of the  
20    arguments. We do not find rehearing to be warranted  
21    for this issue either.

22                    And then we go to cost of equity. The



1 Commission made changes to the proposed Order, some  
2 of which we had recommended, although it rejected  
3 some of our recommendations also. In any event, this  
4 memo goes through the Commission's adoption of the  
5 constant growth DCF models and says, Hey we've done  
6 this before. This is really nothing new. The  
7 applicant says that the Commission didn't consider  
8 financial conditions. The testimony is full of  
9 evidence and testimony on that. The Commission did  
10 consider it. The order says that it was considered.  
11 Our memo addressed those financial conditions also.  
12 So it's really unfair to say that the Commission  
13 didn't take account of it. They also say that the  
14 Commission didn't consider the results of any non  
15 constant growth model. Well, yes, you didn't  
16 consider those results when you're making your final  
17 estimate, but you also say in that Order why you  
18 didn't.

19                   Among other things, the order notes  
20 that this model has unserveable growth rate variables  
21 that are likely subject to greater measurement error,  
22 so that's a factor of reliability. Also, the order

1 notes a striking variation in results between the  
2 Staff's estimate and the CUB/City's estimate under  
3 the same model. So, again, that's a telling aspect  
4 for reliability. So we do believe that the  
5 Commission has considered everything that was  
6 essential to the problem and the situation of the DCF  
7 models.

8                   The other issue is that the Commission  
9 bases its cost of equity determination on  
10 calculations that lack record support. That's,  
11 again, not a fair assessment because the Commission  
12 can develop its own cost of analysis or estimate and  
13 even the applicants recognized this. And they're  
14 actually challenging the Commission for doing what it  
15 is absolutely permitted to do. Each and every  
16 estimate that was applied in this case was derived  
17 from the record. That's what the law requires even  
18 if it's not one a particular party requires.

19                   Interestingly enough at Page 31 of its  
20 application, CUB reintroduces a chart that we've seen  
21 numerous times in this proceeding. We've seen it in  
22 one of the testimonies either of Bodnar or Thomas, I

1 know we've seen it in briefs and briefs on  
2 exceptions. This chart illustrates CUB's view of the  
3 record and, in our view, it reflects an attempt to  
4 have the Commission focus on only those  
5 recommendations as being final and determinate on the  
6 issues.

7 In other words, you're going to read  
8 this chart whether it's intended or not, the results  
9 would kind of show that, Oh, Staff and CUB are pretty  
10 close and the company is far out. And when you see  
11 that, you're going to think the Company is an outlier  
12 here and outliers are generally not viewed as  
13 reliable. But what the Order did is it went past  
14 this chart, it knew that each of those estimates were  
15 derived from not one judgment, but of multiple  
16 different judgments.

17 In other words, the Commission did not  
18 take an easy path in arriving at its determination.  
19 It did exactly what City/CUB's own witness, Bodnar,  
20 proposed that it do, it scrutinized the  
21 recommendations derived from these financial models  
22 and, as such, no rehearing is warranted here.

1                   The third contention of CUB and the AG  
2   is that the Order excluded CUB and AG's analysis from  
3   consideration. And they talk about that particularly  
4   in terms of the cap on analysis. That somehow the  
5   Commission short changed that witness' account. But  
6   if you look at the Order, it shows that the  
7   Commission went through the beta input, the market  
8   risk premium, and the rate of return on the market  
9   parameter and it looked at the way each witness  
10   including City/CUB witness Thomas developed estimates  
11   on these parameters and the Commission gave all these  
12   parameters scrutiny so there's really nothing more  
13   than to do here on rehearing.

14                  The last argument under cost of equity  
15   belongs to the Utilities, and they're talking about  
16   the risk adjustments. Staff proposes, if you recall,  
17   this 20-basis point risk adjustments and Staff  
18   proposed a lot of other adjustments for Rider VBA,  
19   for Rider UVA. The Commission -- well, we actually  
20   addressed all these adjustments in our memo to the  
21   Commission before it entered it's order. We thought  
22   that there might have been some double counting here.

1 The Commission, however, didn't make any changes in  
2 its Order and under those circumstances we're not  
3 going to recommended rehearing.

4 So really there is only one issue that  
5 we find warrants rehearing and that is our  
6 recommendation to this Commission.

7 COMMISSIONER O'CONNELL-DIAZ: Judge Moran, with  
8 regard to the one issue that you believe should have  
9 rehearing -- and I agree with you -- I think in the  
10 rush to -- because safety is a huge concern, I think,  
11 for the Commission on the issue of the Rider ICR and  
12 so we would like to move as expeditiously as  
13 possible. In order to cure the defect as you see it  
14 in the Order, Staff and the Company have developed  
15 this baseline. How would you propose that we deal  
16 with that? Have parties file comments or -- and can  
17 we do it in a short time frame so that there is full  
18 and fair hearing of that and also we move as quickly  
19 as we do need to move because, as I see, it we  
20 have -- unfortunately last week we had an incident in  
21 the City of Chicago and there was a life lost and I  
22 believe the Commission is concerned.

1           JUDGE MORAN:  It's certainly our intent to move  
2   this matter along.  I think that maybe it would be  
3   best that the Commission maybe not specify the  
4   procedural matter or specify the scope.  That's  
5   always a challenge when we get rehearings when the  
6   Commission doesn't specify the scope and then  
7   everybody thinks that everything can be tried a new.  
8   So we do urge that you limit the scope of this  
9   proceeding to that.

10           COMMISSIONER O'CONNELL-DIAZ:  Scope being to  
11   the baseline?

12           JUDGE MORAN:  Yes, and we would like ourselves  
13   to see the parties negotiate this even before our  
14   filing comments.  But, again, I don't know if that's  
15   a direction that we can set out at this time.  It  
16   would be certainly something we would urge on  
17   rehearing.

18           COMMISSIONER COLGAN:  Are there three things  
19   then?  It's like the baseline, it's the parties  
20   involved and final sign-off by the Commission?

21           JUDGE MORAN:  Yes, that's basically how it  
22   would work.  On rehearing we would, of course, give

1 notice to all the parties. Those parties would come  
2 in and we would discuss how we would proceed with  
3 this, whether they want to do comments, whether they  
4 want to have some meetings before comments --

5 COMMISSIONER O'CONNELL-DIAZ: As to a time  
6 period, I'm thinking a 90-day time period.

7 JUDGE MORAN: We do have -- I don't want to say  
8 a schedule alternative argument by the Utilities that  
9 they have set out a proposal and -- Hold on a  
10 second.

11 COMMISSIONER O'CONNELL-DIAZ: I think this is  
12 something that the ALJs that grant the rehearing that  
13 they will be given the latitude to work with the  
14 parties and develop a methodology that moves the ball  
15 forward with regard to this in taking the various  
16 parties positions and that may be our best --

17 COMMISSIONER ELLIOTT: Particularly if we limit  
18 it to the due process issues around the baseline  
19 determination.

20 COMMISSIONER FORD: You said 90 days?

21 COMMISSIONER O'CONNELL-DIAZ: Well, I was just  
22 looking for a 90-day turnaround -- or do you think we

1     should just leave that?

2             JUDGE MORAN:   I think the rehearing has to be  
3     done within 5 months, if I remember correctly.   For a  
4     lot of reasons, we will certainly be pushing that  
5     date forward.

6             COMMISSIONER O'CONNELL-DIAZ:   Well, I think the  
7     Commission is looking to expedite it as quickly as we  
8     can given the safety factors involved.

9             JUDGE MORAN:   Trust me, so are we.

10            COMMISSIONER O'CONNELL-DIAZ:   Well, I think  
11     then we'll leave the scheduling up to the ALJs.   My  
12     recommendation would be to grant rehearing as Judge  
13     Haynes and Judge Moran have presented us today with  
14     regard to the baseline issue.   They will go forward  
15     with the rehearing format and you can talk to the  
16     parties how they want to deal with it and negotiate  
17     it or however they want to deal with it.

18            COMMISSIONER FORD:   Is that a motion?

19            COMMISSIONER O'CONNELL-DIAZ:   I think that's a  
20     motion.

21            COMMISSIONER ELLIOTT:   I will second that one.

22            CHAIRMAN FLORES:   Very well.



1                   It's been moved and seconded.

2                   All in favor say "aye."

3                   (Chorus of ayes.)

4                   Any opposed?

5                   (No response.)

6                   The vote is 4-0. The rehearing will

7 be granted on the one specific issue regarding Rider

8 ICR's baseline issues only.

9                   We have two FERC matters on the agenda

10 requiring closed session.

11                   Is there a motion to go into closed

12 session?

13           COMMISSIONER ELLIOTT: So moved.

14           CHAIRMAN FLORES: Is there a second.

15           COMMISSIONER FORD: Second.

16           CHAIRMAN FLORES: It's been moved and seconded.

17                   All in favor say "aye."

18                   (Chorus of ayes.)

19                   Any opposed?

20                   (No response.)

21                   The vote is 5-0 to go into closed

22 session.

1                   Please let me know when the room is  
2   ready in Springfield.

3           JUDGE WALLACE:   It's clear.

4           CHAIRMAN FLORES:   Thank you.

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1                               (Whereupon, the following  
2                               proceedings were had in open  
3                               session.)

4               COMMISSIONER ELLIOTT:  Mr. Chairman with regard  
5       to these two FERC matters, I would make a motion that  
6       we have a Commission vote to allow me to support  
7       these in the OMS meeting tomorrow.

8               COMMISSIONER COLGAN:  I second that motion.

9               CHAIRMAN FLORES:  Very good.

10                           There is a motion to file the comments  
11       with FERC.

12                           It's been moved and seconded.

13                           All in favor say "aye."

14                           (Chorus of ayes.)

15                           Any opposed?

16                           None the vote is 5-0.  The comments  
17       will be filed with FERC and Godspeed Commissioner  
18       Elliott.

19                           So the record is clear that motion was  
20       for FERC items, RM10-13-000 as well as Docket  
21       AD10-5-000.

22                           Judge Wallace, are there any other

1 matters to come before the Commission today?

2 JUDGE WALLACE: Mr. Chairman, if we can backup  
3 to E-4 and E-5, I think we got into a discussion and  
4 I don't know if the Commission took a vote on this,  
5 please.

6 CHAIRMAN FLORES: I belief we did. We did  
7 grant the Order or the Certificate.

8 JUDGE WALLACE: All right.

9 CHAIRMAN FLORES: No, we did order it. There  
10 was no agreement in terms of exactly -- there was a  
11 discussion in terms of what would be appropriate to  
12 consider and I think the ultimate recommendation is  
13 just for something to keep it under advisement.  
14 Okay? Is that clear.

15 JUDGE WALLACE: Okay. Thank you, sir. Other  
16 than that --

17 COMMISSIONER ELLIOTT: I will make a motion  
18 just to clarify the record that we grant the  
19 Certificates and the Application for both E-4 and  
20 E-5.

21 COMMISSIONER FORD: I second.

22 CHAIRMAN FLORES: All in favor say "aye."

1                   (Chorus of ayes.)

2                   Any opposed?

3                   (No response.)

4                   The vote is 5-0. Thank you.

5                   At this point the meeting stands

6 adjourned. We're going to take a 15-minute break and

7 then convene in the video conference room for the

8 administrative meeting.

9                   (Whereupon, the Administrative

10 meeting begins.)

11           CHAIRMAN FLORES: Beginning the administrative

12 meeting agenda. Present we have Commissioner Ford,

13 we have Commissioner O'Connell-Diaz, Commissioner

14 Elliot, and Acting Commissioner Colgan. I am Acting

15 Chairman Manny Flores. We have folks in Springfield

16 joining us as well, gentlemen, good afternoon.

17           JUDGE WALLACE: Good afternoon.

18           CHAIRMAN FLORES: That was a test to make sure

19 you were hearing the audio over there.

20                   Everyone has the agenda that we

21 distributed.

22                   Do you want a copy of it.

1           COMMISSIONER ELLIOTT: I don't have it with me  
2   I can live.

3           COMMISSIONER COLGAN: Same here.

4           CHAIRMAN FLORES: I wanted to give us all an  
5   opportunity to just talk a little bit about the  
6   committees. I understand that there's an interest in  
7   having some policy committee meetings. I know that  
8   we have annual meetings already with the Water  
9   Committee and also the Gas Committee, historically,  
10   and also the Electricity Committee. There have  
11   already been -- there was one request for an  
12   Electricity Committee hearing. So I just thought it  
13   would be a good idea for us to come together just to  
14   get a sense of scheduling issues and procedures and  
15   how to move forward with the Policy Committees. Also  
16   Commissioner Colgan had -- there was a discussion  
17   about the creation of a new committee, the Consumer  
18   Affairs Committee.

19                   So first on the agenda is a brief  
20   discussion on mission and goals of the Consumer  
21   Affairs Committee that Commissioner Colgan wanted to  
22   move forward on.

1           COMMISSIONER COLGAN: Thank you, Mr. Chairman.

2                   Just in some discussions that we've  
3   had over the last couple of weeks and at the Naruc  
4   meetings, I attended the Consumer Affairs Committee  
5   meeting on several occasions and weighed in on a few  
6   different issues there. Well, I didn't realize we  
7   had committees. You know, when you mentioned in the  
8   bench session that you chaired the Gas Committee, I  
9   was thinking, What is that?

10           COMMISSIONER FORD: You'll find out soon  
11   enough.

12           COMMISSIONER COLGAN: So then a discussion -- I  
13   asked, What is the Gas Committee and I found out  
14   there were committees. And in discussions with  
15   you -- well, Chairman Box chaired the Electricity  
16   Committee. Each of you have chaired different  
17   committees, so I just brought up the issue of like,  
18   Well, what about consumer affairs? Do we have such a  
19   committee? It has occurred to me that we wouldn't  
20   need a Gas, Telecom, Electricity, Water, you name it  
21   Committee if it wasn't for consumers. The consumers  
22   are at the base of it. Without the consumer, we

1 really wouldn't have a need for any of those  
2 committees, so it seems fundamental.

3                   It also seems that you can assume that  
4 each of those committees takes into considerations  
5 issues of consumers, but it looks to me like we're  
6 living in the brave new world as we head off into  
7 deregulated markets and the telecom and electricity  
8 markets, all the complications and big issues are  
9 swirling out there in terms of the effects that it's  
10 going to have on consumers, the whole smart  
11 technology issue.

12                   You've got one set consumers that's  
13 like, Bring it on. Why isn't it already here? And  
14 then on the other end, it's kind of like a timeline  
15 there. The example I found myself using is if you go  
16 onto a college campus and you see kids walking around  
17 talking each other, but they're all like, you know,  
18 while they're talking, Oh, yeah, yeah. So the  
19 digital world is there at the Naruc meeting. I think  
20 it was the VP of General Electric who started out his  
21 comments with, How many people in the room have a  
22 cell phone that's older than three years?



1           COMMISSIONER FORD: Did anybody raise their  
2 hand?

3           COMMISSIONER COLGAN: I think there were a  
4 couple.

5           COMMISSIONER FORD: You're kidding.

6           COMMISSIONER COLGAN: There were two or three.

7           COMMISSIONER FORD: Why are they keeping is so  
8 long?

9           CHAIRMAN FLORES: She's due for her new  
10 contract.

11          COMMISSIONER O'CONNELL-DIAZ: No, I don't want  
12 it. I made them go in the back and get an old phone  
13 because it really works well.

14          COMMISSIONER ELLIOTT: I had a hard time  
15 converting from the Blackberry.

16          COMMISSIONER COLGAN: I will think the point  
17 there becomes that consumers are not only ready for  
18 the new technology, but they're willing to pay for  
19 it.

20          COMMISSIONER FORD: Some of them.

21          COMMISSIONER COLGAN: There is a that segment  
22 of the population that's all gung-ho and they're

1     trying to hold them back and at the other end.  If  
2     you go to a senior meal site and do a survey of who  
3     here wants a smart meter, you might get a lot of push  
4     back on that like, Why do I need that?  I'm 70 years  
5     old and this has all worked well for me.

6                     So anyway it's just a broad spectrum  
7     of issues.  It also occurred to me that there's  
8     always the divide between the advocates and the  
9     utilities and we sit in the middle of that.  We're  
10    actually charged with finding that balance, and it  
11    seems like a Consumer Affairs Committee could be a  
12    place where people all come to the same table and  
13    talk about some issues and maybe we can have a more  
14    civil discussion about how things work.  We all have  
15    issues with how some issues get brought to us.  What  
16    format do they come to us?  So then that brings to  
17    bear the matter of the fact that we have our on  
18    Consumer Issues Department inside this agency that  
19    many times just gets overlooked.

20                    COMMISSIONER FORD:  Absolutely.

21                    COMMISSIONER COLGAN:  I'm thinking that that  
22    committee could -- a Consumer Affairs Committee could

1 actually convene those stakeholders -- all the  
2 stakeholders together to just kind of rationally talk  
3 through some issues.

4 COMMISSIONER O'CONNELL-DIAZ: I think it's a  
5 great idea. One thing I would say though is that our  
6 different committees -- and this is probably  
7 informational for all of us and particularly for our  
8 two newest members that there is always -- whenever  
9 we do have a policy meeting -- it's not just, you  
10 know, once a year. As issues come before the  
11 Commission, sometimes we will have -- when we had the  
12 storms a couple years ago, we had electric policy  
13 meetings about how were the companies in the service  
14 territory dealing with the issues of the storm.  
15 Actually, that was the precursor to the Liberty  
16 situation. We did same thing with Com Ed when they  
17 had 148,000 people out. The next week we had an  
18 electricity policy meeting as we felt it was  
19 important that the Commission be addressing this in a  
20 public way and letting them know what was going on  
21 and how we were paying attention to that.

22 So at critical times these committees

1     can be used for those type of information sharing.

2             COMMISSIONER ELLIOTT:   You had one on

3     high-speed rails last --

4             COMMISSIONER O'CONNELL-DIAZ:   Yeah, we had one

5     on high-speed rails last summer or fall.   And at

6     those we do -- there is a balancing of including the

7     consumer interest as we are charged to do.   We don't

8     just regulate utilities, we also have to ensure that

9     it's the fair and reasonable rate that people are

10    paying.   So there is always an attempt at any of

11   these committee meetings to have, you know,

12   participation from consumer folks.

13             While I think it's a wonderful idea, I

14   just think we need to be cautious in that -- and I

15   know we're taking the name from the Naruc thing, but

16   I don't want it to look like the other committees

17   don't care about the consumers.   So I think it's --

18   and also there's some situations where we've had --

19   where we felt we brought everybody to the table and

20   they're sitting in the back hatching their own plan

21   that has nothing to do with the betterment for the

22   consumers.

1                   So I think it's a good idea and I just  
2   think we need to proceed with our eyes really wide  
3   open as we move into those areas. This morning was a  
4   perfect example. These people have not been given  
5   the information that they needed by these consumer  
6   representatives.

7           COMMISSIONER ELLIOTT: That would have been my  
8   suggestion for the first meeting. How do we get  
9   people to drive these customers to us so that our  
10   processes can work?

11          COMMISSIONER FORD: Well, once John gets it  
12   up and if we do a press release, he'll simply say  
13   we're all members of it and he's just the chair.  
14   Because this article he just sent us on the  
15   socialization for those transmission lines is going  
16   to take the wind. That's something that you can jump  
17   out ahead of that because that's going to be a big  
18   fight, the socialization of those transmission lines.

19          COMMISSIONER COLGAN: And it seems, too, that,  
20   you know -- I guess we've all been seeing a flurry of  
21   news articles about a certain rate case pending  
22   before us -- and it just seems that the consumer

1 groups, you know, kind of hang out in this  
2 adversarial position with us.

3 I'm not naive enough to think that we  
4 can all be friends. But at the same time, I think a  
5 forum where people have an opportunity to be in there  
6 at the table making their input might kind of put  
7 some of that down in terms of feeling that maybe they  
8 have there own little place where they can come. And  
9 it's not just for consumer advocates because the  
10 Chairman and I were out at Com Ed yesterday for a  
11 tour of their call center and we kind of brought this  
12 issue up because look at the contact they have. They  
13 get 11 million calls --

14 COMMISSIONER O'CONNELL-DIAZ: But, John, just  
15 so you know, there was a time here at the Commission  
16 that if we had gone to the call center, we would have  
17 been on the front page of the Tribune as like being  
18 over at the call center fixing a rate case. This is  
19 wrong. We need to communicate to our utilities.  
20 They also are a font of consumer contact and why  
21 can't we, not as the regulatory body, work with them  
22 to review the knowledge that needs to be out there.

1 And if we cannot do that, we cannot do our job  
2 because God knows the State doesn't have the money to  
3 be doing this --

4 CHAIRMAN FLORES: I would say Commissioner  
5 O'Connell-Diaz nailed it right on the head. That was  
6 the one thing that Commissioner Colgan and I picked  
7 up on immediately. That's why we went to the call  
8 center to see where -- and we were listening in on a  
9 number of calls that were made and hearing and how  
10 the Company was also interacting with the public to  
11 ensure that they were interacting with the public in  
12 a professional manner and in a way that they were  
13 going to be serving the needs. And it just makes  
14 sense for all stakeholders to be working towards --  
15 in a very open -- and to everyone's point here, the  
16 beautiful part about having a policy committee is it  
17 is open, it is transparent, and no one has, then at  
18 that point, any excuse or any reason for not to be  
19 participating as a stakeholder within the  
20 framework --

21 COMMISSIONER O'CONNELL-DIAZ: Don't be naive.  
22 You have no concept of what these people can do and

1     what they cause. You can start out with all the best  
2     intentions and -- maybe it's a different day, but I  
3     just think we need to turn the tables and this  
4     morning was a perfect example. That should be an  
5     embarrassment.

6             COMMISSIONER ELLIOTT: The one point that I --  
7     not only the concent decree issue, but it was the  
8     fact that Nicor directed them to CUB.

9             COMMISSIONER FORD: Well, they alleged that.

10            COMMISSIONER COLGAN: That's what I'd like to  
11     know. If that is a practice of the call center I  
12     have no knowledge of this. The only thing I have is  
13     anecdotal information that that occurred.

14                     What I'd like to do is try to defuse  
15     some of that. And maybe it can't happen, but I'd  
16     like to try.

17             COMMISSIONER ELLIOTT: I think it's a good  
18     thing. The more dialogue we can have on this  
19     issue --

20            COMMISSIONER COLGAN: What I'd like to see is  
21     if there are concerns or if you have words of wisdom  
22     for me, maybe shoot me an e-mail in the next week or



1 two. And I'll probably talk it around to our own  
2 Consumer Department. I want to ask them what they  
3 think and try to get a handle on how this should be  
4 structured. Maybe put together a little bit of a  
5 mission statement for what the committee is about so  
6 that it isn't crossing over into all kinds of other  
7 issues. Like some things we're going to deal with,  
8 we're going to refer other things to other  
9 committees. But other committees might want to refer  
10 some of that stuff to this committee.

11 COMMISSIONER O'CONNELL-DIAZ: Or their would be  
12 joint -- I don't know how you get away from the  
13 consumer aspect in anything that we do just like you  
14 can't get away from the Utility Act because those are  
15 the two things that we -- you, know, we regulate one  
16 and we have to insure that it's fair for the other.

17 COMMISSIONER ELLIOTT: In this case.

18 COMMISSIONER FORD: They would be apart of this  
19 collaboration.

20 COMMISSIONER ELLIOTT: As we discussed today,  
21 we're talking about slamming and cramming issues.  
22 This is nothing to do with industry. It's agnostic

1 to gas, electric or Telecom. It's a consumer issue.  
2 We've already dealt with it in certain areas. We're  
3 much more mature --

4 COMMISSIONER FORD: But maybe in the initial  
5 stages their consumer person should be in that --

6 COMMISSIONER ELLIOTT: That's what I'm talking  
7 about. Maybe the people in the call centers or maybe  
8 the people that were here didn't work in the telecom  
9 industry and don't have the experience that we have  
10 and we can draw upon. It would be great to have our  
11 Teleco Staff say, Yeah, we dealt with this. We were  
12 here. You and I were here when this was going on.  
13 It was a nightmare. It was all dealt with. The  
14 Commission, through legislation and its regulatory  
15 rules and procedures, dealt with it. And coming at  
16 it again, it's like this is a new and novel thing,  
17 it's not.

18 CHAIRMAN FLORES: And it shouldn't be.

19 Very well. Any further discussion on  
20 the Consumer Affairs Committee that Acting  
21 Commissioner Colgan will be chairing?

22 COMMISSIONER COLGAN: I would just like to

1     thank everybody for your consideration here, and for  
2     your help in trying to get this thing squared up so  
3     that we know that this -- it's a new committee so we  
4     want to know what it is before we actually roll it  
5     out there and say, Here it is.

6                     So I'm going to count on you to give  
7     me some feedback. I'll talk to some staff, I'll talk  
8     to some other stakeholders, I talked to ComEd  
9     yesterday and got all kinds of good feedback from  
10    them.

11            COMMISSIONER FORD: Iowa has a good one. I sit  
12    on the board with a GTI person and he's from Iowa.

13            COMMISSIONER O'CONNELL-DIAZ: And that's thing  
14    another thing, at the Narook meeting you'll have an  
15    opportunity to meet the consumer reps from other  
16    states where there is not an antagonistic situation.  
17    I cannot tell you how refreshing it is to have  
18    everybody working towards that same goal and how far  
19    we could go if --

20            COMMISSIONER ELLIOTT: It is a different  
21    situation.

22            COMMISSIONER O'CONNELL-DIAZ: It's a healthy

1 situation and people are looking for --

2 COMMISSIONER ELLIOTT: The consumers council in  
3 other states are -- the structure is quite different,  
4 they're funded legislatively and the relationships --

5 COMMISSIONER O'CONNELL-DIAZ: And they really  
6 work together. And that's really I think what we  
7 should be.

8 COMMISSIONER COLGAN: I have started a dialogue  
9 with Ann Boyle from Nebraska. She chairs the Narook  
10 Committee.

11 COMMISSIONER ELLIOTT: John Perkins is a  
12 classic -- he's been around this world for a long  
13 time.

14 COMMISSIONER O'CONNELL-DIAZ: The kind of CUB  
15 people in those various states. It's a different  
16 thing when you sit down next to them and you're like,  
17 Yeah, we work with our Commission on this and I'm  
18 like -- We really do need to help each other.

19 MR. ANDERSON: I was inquiring about some of  
20 the comments that were made and I don't know they  
21 started or where they came from, but the Policy  
22 Meetings themselves seem to be kind of fairly

1 informal in terms of where they come about. Do you  
2 guys want to formalize them a little bit or do you  
3 want to just kind of leave them the way they are?

4 CHAIRMAN FLORES: When you say "formalize  
5 them," what do you mean by that?

6 MR. ANDERSON: Well, I mean, like right now as  
7 far as I can tell, you can say, Let's do this and do  
8 it, but then again you said you didn't know we had  
9 them.

10 COMMISSIONER COLGAN: I wondered if we need to  
11 formally establish a committee or do we just decide  
12 that there is a committee.

13 CHAIRMAN FLORES: You can play this one or a  
14 couple different ways.

15 MR. ANDERSON: And I don't have a preference.

16 CHAIRMAN FLORES: The bottom line here and the  
17 way I understand it -- and please, our colleagues who  
18 have been here for longer than the two new acting  
19 Commissioners.

20 COMMISSIONER O'CONNELL-DIAZ: The newbies.

21 CHAIRMAN FLORES: The policy committees play a  
22 very important role in the ICC. Some of the points

1     that have already been made have been meeting  
2     officially for the purpose of informing people about  
3     what the ICC is doing and to also, in some instances,  
4     inquire of the utilities and the other stakeholders  
5     that we are responsible for working with and  
6     regulating to inform the ICC and the general public  
7     about what they're doing to address -- whether it be  
8     safety issues weather storms or other policy issues  
9     that maybe related. So to that extent, I think  
10    they're formal.

11                   One question that I had -- and that's  
12    why I thought it would be a good idea to have this  
13    meeting would be, I personally asked a judge, in  
14    terms of when we call for a meeting a policy  
15    committee meeting, if we're going to be gathering  
16    testimony in the meeting that we setup --

17           COMMISSIONER O'CONNELL-DIAZ: We don't do that.

18           CHAIRMAN FLORES: Why can't we do that?

19           COMMISSIONER ELLIOTT: It's not a docketed  
20    proceeding. And also it will hamper you from being  
21    able to take any new information you want to get and  
22    free dialogue.

1           THE WITNESS:  It depends on what you mean by  
2   testimony.  Are you meaning it in a general sense?

3           COMMISSIONER O'CONNELL-DIAZ:  I didn't mean to  
4   cut you off.

5           CHAIRMAN FLORES:  I'm talking if you have a  
6   meeting when Com Ed comes in to explain what they're  
7   doing, they're reporting --

8           COMMISSIONER FORD:  It's on the record.

9           CHAIRMAN FLORES:  So that's what I'm talking  
10   about.

11          COMMISSIONER ELLIOTT:  It's a transcript.

12          COMMISSIONER O'CONNELL -DIAZ:  Yes, but it's  
13   not like a docketed proceeding.

14          COMMISSIONER ELLIOTT:  Nobody is sworn in.

15          CHAIRMAN FLORES:  Guys, I mean testimony.

16          COMMISSIONER FORD:  Yes, like they do at the  
17   City Council.

18          CHAIRMAN FLORES:  In the City Council -- when  
19   you want to pass legislation, what you do is you  
20   introduce the law into the general council and then  
21   the general council will move it to a committee; the  
22   committee will hold a hearing.  They will take

1 testimony. The testimony is on the record. And then  
2 at that point, depending on the type of legislation,  
3 there will be action taken or no action taken.

4 COMMISSIONER ELLIOTT: The on the record part  
5 is the troubling issue here because on the record for  
6 me is in a docket. You have a docket, it's open --

7 CHAIRMAN FLORES: So when the Commission in the  
8 past has held committee meetings, are they open to  
9 the public.

10 COMMISSIONER O'CONNELL-DIAZ: Yes.

11 COMMISSIONER COLGAN: Are minutes taken?

12 COMMISSIONER ELLIOTT: It's a verbatim  
13 transcript.

14 CHAIRMAN FLORES: What's the difference between  
15 that and --

16 COMMISSIONER ELLIOTT: Let me give you an  
17 example.

18 CHAIRMAN FLORES: Maybe what we need is a  
19 tutorial form from either the Commissioners or the  
20 lawyers --

21 MS. STEPHENSON-SCHROEDER: The Commission  
22 doesn't make law like that or make rules like what



1     you are suggesting.

2             MR. ANDERSON:   We don't issue orders out of  
3     policy.   We take people -- however you guys want to  
4     do it and, like I said, there's two ways to use the  
5     word "testimony."   I think there's two ways to use  
6     the word "testimony."   There's a legal way and then  
7     there's a more general way that you do it  
8     legislatively.   It's more of the legislative style in  
9     a policy committee meeting as opposed to the sworn  
10    and recorded.

11            CHAIRMAN FLORES:   I'm referencing here the  
12    former where you're taking information.   Which is  
13    what we've been doing already.

14            MR. ANDERSON:   You mean presentation.   Maybe  
15    Presentation is a better word.

16            COMMISSIONER FORD:   That's right.

17            CHAIRMAN FLORES:   That's what we are talking  
18    about.

19            COMMISSIONER ELLIOTT:   If the guy that comes in  
20    and talks to us in a policy meeting in general, ideas  
21    about what we're doing, then they file a case and  
22    what they do and what they said may not match up.

1 Now, we can't use this, But you said in this policy  
2 meeting you were going to do this.

3 CHAIRMAN FLORES: That's fine. I'm just  
4 talking about getting information to us. That's what  
5 I'm talking about.

6 COMMISSIONER O'CONNELL-DIAZ: It is in a formal  
7 setting -- and when I say "formal," I mean there has  
8 been proper notices open to the public and actually  
9 the purpose is to have this discussion, open dialogue  
10 with -- and I think dialogue is the right word  
11 because the Commissioners presentations occur, the  
12 Commissioners go back and forth --

13 CHAIRMAN FLORES: And no votes are taken;  
14 correct?

15 COMMISSIONER O'CONNELL-DIAZ: No, it's not a  
16 docket.

17 CHAIRMAN FLORES: So given that no votes are  
18 taken and it's not a docketed proceeding, and that  
19 it's not formal in that respect and it doesn't bind  
20 the ICC to any type of official action for the  
21 purposes of scheduling the policy committee meetings,  
22 we don't need a forum then; right?

1           COMMISSIONER O'CONNELL-DIAZ:  No, you don't  
2   need a quorum.

3           MR. ANDERSON:  I think we need a quorum to  
4   convene the meeting.

5           CHAIRMAN FLORES:  Why would you need a quorum  
6   to --

7           MS. STEPHENSON-SCHROEDER:  To satisfy the Open  
8   Meeting Act.  We have had sessions before where  
9   somebody heads up a concern committee where it might  
10   just be one Commissioner and they're holding  
11   something.  But if you're sitting on open meeting --

12          MR. ANDERSON:  I think you're talking about  
13   legal letter of the law kind of thing versus real  
14   practice.  If you have two Commissioners decide that  
15   they're going -- because three Commissioner couldn't  
16   make it and they know they're not going to be able to  
17   make it, they'll let you do it --

18          MS. STEPHENSON-SCHROEDER:  Not going to make  
19   it's decision.

20          MR. ANDERSON:  There's nothing to challenge.

21          COMMISSIONER ELLIOTT:  My understanding was  
22   that you needed to have a sufficient number of

1 Commissioners to open the meeting. Once the open  
2 meeting is stated because there's no vote,  
3 Commissioners can get up and leave if they want.  
4 That was my understanding.

5 MR. ANDERSON: The difference being --

6 MS. STEPHENSON-SCHROEDER: In the legal way  
7 that we've done the policy meetings before, yes. We  
8 follow all the letter of the law as far as giving  
9 notice and Mike can also jump in.

10 CHAIRMAN FLORES: My question is, can we -- I'm  
11 not suggesting that we don't issue notice. We want  
12 to issue notice. We want to have these policy  
13 committee meetings open to the general public.  
14 That's the whole point behind these meetings. I  
15 foresee, for instance, a potential where given our  
16 busy schedules, that if Commissioner Colgan wants to  
17 have a meeting and he's tried and unfortunately by  
18 one reason or another everyone's schedules have  
19 conflicted and he's trying to bring in experts from  
20 across the country that they can't meet our schedules  
21 because of I've been down that road before in my  
22 other capacity, would it be okay for John, after the

1     ICC issues all the open meetings requirements in  
2     terms of noticing the public and everything before 48  
3     hours, doing everything even that we do now, is it  
4     okay if he were the only Commissioner to be at the  
5     meeting convening it.

6             COMMISSIONER O'CONNELL:   First of all, that has  
7     not occurred because the Commission is -- it's  
8     business is to have these meetings.  These are not  
9     meetings we have every month.  So I don't think we're  
10    going to have a situation where we're going to be not  
11    available.  Maybe somebody might be missing, but,  
12    generally speaking, these are not meetings we have  
13    every month.  And also I think it is important that  
14    the Commissioners be together.  When we have these  
15    important issues that we develop and you get people.

16            In the post 2006 initiative that was a  
17    committee that I led off.  The Commissioners, we  
18    would be there for some of it, but they weren't there  
19    for all of it.  We had 250 people in working groups,  
20    so I wasn't in there every week.  I think when we do  
21    have these committee meetings, it's a respect that  
22    the other Commissioners go to the meetings when they

1 are called.

2 COMMISSIONER ELLIOTT: I'm just wondering and  
3 maybe you can help me here.

4 COMMISSIONER FORD: But if you have three to  
5 convene --

6 COMMISSIONER ELLIOTT: I think if we have an  
7 open meeting, we meet as a body. It's the  
8 Commission.

9 MS. STEPHENSON-SCHROEDER: But that's what I  
10 was saying, I know, in the past, we've also had  
11 hybrid meetings, if you want to call them. I know  
12 that when Commissioner Lieber when he was here, he  
13 had things like that and it didn't involve going out  
14 and giving the notice. It depends on how we call it.

15 COMMISSIONER ELLIOTT: You did some stuff, but  
16 that wasn't an open meeting.

17 MS WITNESS: The policy meetings have typically  
18 gone under as open meetings. Again, Mike, correct me  
19 if I'm wrong. We've conducted them like open  
20 meetings. We've given everybody the opportunity to  
21 participate, just another thing about why we give the  
22 notice. So we've asked a group that we inadvertently

1 forgot to participate and they want to participate in  
2 the policy meeting. They have that and they are  
3 afforded that opportunity.

4 CHAIRMAN FLORES: I know that we haven't had  
5 meetings every month, but there are going to be some  
6 issues that -- I'm going to be up front with  
7 everybody -- I anticipate in my work with the  
8 Electricity Committee to bring issues regularly  
9 before this Policy Committee. And I am interested in  
10 holding regular meetings. I don't want to encumber  
11 anyone's scheduling.

12 I can see that more than -- the types  
13 of meetings that I'm envisioning convening are the  
14 ones that you've had in the past where it's a matter  
15 of getting information from experts, not binding the  
16 ICC to any specific policy. It's really just to get  
17 more information, but doing it in a way where we can  
18 all participate and do it openly in a way --  
19 sometimes we can't because of the ex parte  
20 communications. All of us have so much to contribute  
21 and I must confess, I find it challenging to do some  
22 of the work without being able to consult with all of

1     you in an open setting. I know that all of you are  
2     not going to be able to attend all of the meetings,  
3     but I guess I want to know what level of flexibility  
4     we have so that we can be effective as well.

5             COMMISSIONER COLGAN: I'm thinking if we're  
6     going to have a meeting and we send out official  
7     notice that there is going to be a meeting of the  
8     Telecom Committee, then it seems to me that if we're  
9     going conduct business of that committee, we would  
10    have to have a quorum present to call that meeting in  
11    order.

12            If a quorum didn't show up, I don't  
13    know if you can continue to have the meeting. It  
14    seems to me like if you are having a meeting and  
15    somebody is assigned as the secretary to take notes  
16    of the meeting and at the next meeting you approve  
17    the minutes of that, that's an official meeting.  
18    That's the record, the minutes to the meeting.

19            COMMISSIONER ELLIOTT: It would have a verbatim  
20    transcript because any of the meetings we engage in  
21    is going to have a verbatim transcript.

22            COMMISSIONER FORD: You can follow the agenda



1 and no votes can be taken and whatever happens you  
2 qualify at the next meeting. I don't know if ours  
3 can do that, I know that's Robert's Rules.

4 COMMISSIONER COLGAN: And I think Robert's  
5 Rules are you can hold an official meeting where a  
6 quorum is not present and you can submit the minutes  
7 to that meeting at the next regularly schedule  
8 meeting and if nobody challenged the presence of the  
9 quorum at the previous, the minutes can be adopted  
10 and they become the official record of the meeting.

11 CHAIRMAN FLORES: So what are you saying  
12 because you started out by saying that we need a  
13 quorum to have the first meeting, but now you're  
14 suggesting that perhaps we don't need a quorum  
15 because Robert's Rules of Order just basically say  
16 that if no one calls you out on the quorum --

17 COMMISSIONER O'CONNELL-DIAZ: We don't go by  
18 Robert's Rules, we go by the Open Meetings Act.

19 CHAIRMAN FLORES: So what's the rule? I want  
20 to know what the rule is.

21 MS. STEPHENSON-SCHROEDER: I can sort this all  
22 out for you, and then also if there are some hybrid

1 issues, somebody wants to have an independent talks  
2 meeting on or conduct certain things, those fall  
3 under a different set of rules that we can follow.  
4 So I can set out those two scenarios or you.

5 COMMISSIONER COLGAN: That would be helpful.

6 And an answer to your question of what  
7 am I saying.

8 CHAIRMAN FLORES: I'm not trying to give a hard  
9 time.

10 COMMISSIONER COLGAN: I posed that as a  
11 question because this is a different world for me.  
12 My world used to be every one of my communications  
13 used to be ex parte.

14 CHAIRMAN FLORES: There was nothing wrong  
15 with --

16 COMMISSIONER ELLIOTT: Before you started here,  
17 just to clarify for the record.

18 COMMISSIONER COLGAN: The world in general kind  
19 of operates on people getting together and talking  
20 about things. So I have to understand this new world  
21 that I'm living in and I think there are times where  
22 it is really important for the five of us to be able

1 to come together and really talk openly about where  
2 things are at and how we want to proceed.

3 MR. ANDERSON: Which you can do any time you  
4 want as long as you do it in an open meeting.

5 COMMISSIONER COLGAN: But then you're saying I  
6 could have meetings with different people --

7 COMMISSIONER FORD: That would just be a  
8 meeting.

9 COMMISSIONER ELLIOTT: The two of us can have a  
10 meeting but whatever has go around to each  
11 Commissioner, it's not exactly official.

12 COMMISSIONER FORD: Right.

13 MR. ANDERSON: And the open meeting things is  
14 separate from the ex parte. You guys can all be  
15 together and ex parte can be taking place.

16 COMMISSIONER O'CONNELL-DIAZ: And then you get  
17 into if it's got issues that are part of a docket,  
18 then you can't talk about it. It's a Rubik's Cube  
19 because it's always changing and you have to be  
20 really cognisant because the folks out there are  
21 waiting for us to screw up.

22 MR. ANDERSON: You guys can't have a policy

1 committee meeting in an open forum and talk about  
2 rate issues from case X because none of the parties  
3 would be there and that's ex parte.

4 COMMISSIONER COLGAN: We would need a statement  
5 that we would read every time that we opened says  
6 that we cannot have any of these discussions and if  
7 anybody brings that up, it will immediately -- and I  
8 think somebody from the Staff needs to be present at  
9 those meetings to be able to make that call like,  
10 Timeout. We can't talk about this.

11 COMMISSIONER ELLIOTT: Just from a realistic  
12 perspective to talk about policy matters in these  
13 meetings in this context is that so many times and so  
14 often most of these issues are being contested  
15 somewhere in a litigated proceeding and it's very  
16 difficult to have that conversation.

17 COMMISSIONER O'CONNELL-DIAZ: That's why all of  
18 that smart grid stuff, that's part of a docketed  
19 matter. So we've got constraints as to what we can  
20 go out and engage in as Commissioners because they're  
21 going to be reporting back to us at a certain point  
22 and this is part of that.

1           COMMISSIONER ELLIOTT: That's why I haven't  
2 participated in any of those collaborative meetings.

3           MR. ANDERSON: You know the collaborative is  
4 not docketed.

5           COMMISSIONER O'CONNELL-DIAZ: No, but it's a  
6 result of a Commission Order and they are going to  
7 report back to the Commission. So it's part of a  
8 proceeding that's before us really.

9           COMMISSIONER COLGAN: From my perspective, I  
10 would like to have this really clear. Before I start  
11 convening meetings, I want to know what the rules are  
12 because I don't want to be five months into it and  
13 have something like, Acting Commissioner Colgan broke  
14 every rule with this meeting that he held.

15          MR. ANDERSON: And that's something that Mary  
16 and Mike can do as you're contemplating having a  
17 meeting. Before you put the posting out, we look  
18 over it and say this looks great make sure you don't  
19 do that and that would be before you even notice it  
20 up.

21          MS. STEPHENSON-SCHROEDER: And that's why a lot  
22 of the assistants too -- we work them. For instance,

1     like Heather and Brandy, they've been doing this for  
2     quite some time. They know what needs to go into  
3     these notices and everything. So they're also  
4     covering you. There are all these safeguards in  
5     place to try to help everybody so that none of you  
6     screw up.

7             CHAIRMAN FLORES: Very good.

8             COMMISSIONER ELLIOTT: Getting to your point  
9     regular schedule, I think that's fine if we did it  
10    around bench dates.

11            CHAIRMAN FLORES: I'm not even going to discuss  
12    it. I think we need to know what the rules are  
13    because if that's the case, then to John's point,  
14    maybe we just don't -- I don't want to hold policy  
15    meetings if it's going to end up creating scenario  
16    for us.

17            COMMISSIONER O'CONNELL-DIAZ: I think you can  
18    hold them, but they have to be specific and you can't  
19    get into --

20            CHAIRMAN FLORES: I hear you, but I don't know  
21    what the rules are. So unless I know what the rules  
22    are, I personally feel uncomfortable having meetings

1     if I don't know what the rules are because I don't  
2     want to create a scenario where it puts the ICC in a  
3     position that's not in a very favorable light and I  
4     don't want to be in an unfavorable light and I know  
5     none of us want to be in unfavorable light.

6             COMMISSIONER FORD:   When I have my Gas Policy  
7     meeting, I'll have a representative from every  
8     utility and then I'll have a representative from CUB.  
9     I don't think I've had the AG.

10            COMMISSIONER ELLIOTT:   But generally these are  
11     issues that are before us and --

12            COMMISSIONER O'CONNELL-DIAZ:   Why didn't the AG  
13     have a representative?

14            COMMISSIONER FORD:   I've never asked them to  
15     come.   It would be on heating and cooling and this  
16     time I'm bringing -- it's going to be pipeline  
17     because that was the recommendation you said you  
18     wanted me to bring in and that's what my next meeting  
19     will be about.   We always have national person.

20            MR. ANDERSON:   American Gas Supply.

21            CHAIRMAN FLORES:   But see that's an interesting  
22     scenario.   So we're going to have a policy meeting,

1 not a regular meeting, policy meeting on an issue  
2 that could be tangentially related to a docketed  
3 proceeding. Remember what it is. That report, that  
4 letter, that report that was published that was given  
5 to us, that Liberty Report comes from a docketed  
6 proceeding.

7 COMMISSIONER FORD: Right.

8 CHAIRMAN FLORES: So how can we speak about  
9 that in a policy committee if we are talking about an  
10 issue that is in a docketed proceeding?

11 COMMISSIONER FORD: That is not the way I will  
12 come at it. The pipeline people will simply come in  
13 and talk about cast iron and duck tile iron and the  
14 replacement policies over the country and what's  
15 being done. And when they come in and tell me, they  
16 are not talking about this case, they're just giving  
17 a generalization.

18 MR. ANDERSON: And I don't think it's the rules  
19 that will complicate things because the rules are  
20 pretty straight forward, don't talk about cases.  
21 Make sure you're in open meeting. Those things are  
22 pretty straight forward. The thing that's going to



1     be complicated is, does this subject matter that we  
2     want to talk about touch on any docketed cases that  
3     are going on?

4             COMMISSIONER ELLIOTT:   And if so, how do we  
5     narrowly tailor this so that we don't step on those  
6     land mines.

7             MR. ANDERSON:   That's a not the rule, that's  
8     just sorting out the subject matter.

9             COMMISSIONER ELLIOTT:   And that's where  
10    reliance on our general counsel, the assistance and  
11    others is critical.

12            COMMISSIONER FORD:   And they usually will send  
13    us out their handout when they present.

14            MS. STEPHENSON-SCHROEDER:   You establish your  
15    agenda and then you get the --

16            CHAIRMAN FLORES:   So in terms of the dates  
17    because that's the second item on the agenda, I know  
18    that you had presented a date, Commissioner Ford, for  
19    the your Gas Committee.   Did you have a general idea  
20    about which one you wanted to move forward on?

21            COMMISSIONER FORD:   I was trying to wait after  
22    this case.

1           CHAIRMAN FLORES: I saw an e-mail going around  
2   for water --

3           COMMISSIONER ELLIOTT: So you're going to be in  
4   after rehearing on Peoples?

5           COMMISSIONER FORD: Yes.

6           CHAIRMAN FLORES: Do you have a date in June?

7           COMMISSIONER O'CONNELL-DIAZ: You know, I have  
8   to check with my assistants and the other part of  
9   that is -- I think it is the first week in June  
10  whatever that date is. We're going to do outreach to  
11  get some national speakers here and it's also the  
12  beginning of the summer season. So that's a good  
13  time to have a water meeting.

14          MR. ANDERSON: And then you'll have a major  
15  one.

16          COMMISSIONER O'CONNELL-DIAZ: Right. We will  
17  try to do it in-between rate cases we have.

18          MR. ANDERSON: Not that you won't have other  
19  ones.

20          COMMISSIONER O'CONNELL-DIAZ: No, but we've got  
21  a break in-between.

22          CHAIRMAN FLORES: The third point -- is

1 everyone okay with June 6th?

2 COMMISSIONER ELLIOTT: Well, June 6th is  
3 Sunday. The first and second are pre-bench and  
4 bench.

5 MR. ANDERSON: That was my mistake.

6 CHAIRMAN FLORES: In terms of the Illinois  
7 smart grid collaborative, because that is technically  
8 a docketed matter, I would just say then procedurally  
9 if we can just have it then on that pre-bench, which  
10 would be April 6. But it's not going to be a joint  
11 policy committee meeting it will be a matter that  
12 will be pre-bench to give a full update on the -- but  
13 we said April 6th because we were hoping to get them  
14 moving a little faster rather than waiting too long.  
15 Because I think what we made end up hearing in  
16 testimony frankly, is that there may be some issues  
17 that we may want to tell them or advise them to  
18 accelerate and the more time we have --

19 COMMISSIONER O'CONNELL-DIAZ: What are you  
20 talking about testimony?

21 CHAIRMAN FLORES: The smart grid collaborative,  
22 we want an update from the folks who have been

1     working on the smart grid collaborative.

2             COMMISSIONER ELLIOTT:   Yeah, I think there's  
3     some potential that they're looking for direction  
4     from the Commission potentially.

5             MR. ANDERSON:   You obviously had what you had  
6     coming out of the Order was a lot of points.   Some of  
7     which have proved workable to follow, some of which  
8     have proved not workable to follow.

9             COMMISSIONER O'CONNELL-DIAZ:   We didn't know  
10    what we were doing.   We really were shooting in the  
11    dark.

12            MR. ANDERSON:   It's certain things people  
13    weren't going to do.   So we kept it going and we made  
14    some adjustments.   We want to make sure we come back  
15    to you before a report comes to you and says this  
16    isn't in the Order.   What the Heck is this?

17            CHAIRMAN FLORES:   For the sake of the  
18    Commissioners, I don't want -- I've looked at the  
19    stuff that's filed now on the site that you've  
20    provided us.   Some of it is helpful, but to your  
21    point, we're going to expect an update from the  
22    collaborative and just telling us up front what has

1 not been working and what appears to be unworkable so  
2 that it can be instructed to us --

3 MR. ANDERSON: And here's how you're going to  
4 get that because first of all Internex (phonetic) is  
5 the facilitator who can give the overview. After  
6 Internex comes in, you guys are going to have to  
7 decide who you want to hear from because the  
8 collaborative is a huge amount of people. Some of  
9 which go to everyone, some of which goes whenever  
10 it's convenient, some of which goes maybe once.

11 COMMISSIONER FORD: So we've got to hear from  
12 the person you have in charge.

13 MR. ANDERSON: To start with, but I assume  
14 you're going to want to hear from Com Ed. I assume  
15 you're going to want to hear from the AG. You're  
16 going to want to hear from a smattering of both  
17 sides.

18 COMMISSIONER FORD: But Internex would be first  
19 and then the next scheduled meeting we could have all  
20 the intervenors.

21 CHAIRMAN FLORES: It's going to take a long  
22 time.

1           MR. ANDERSON: You can hear from whoever you  
2   want.

3           COMMISSIONER O'CONNELL-DIAZ: My question is,  
4   why are we hearing from the AG?

5           CHAIRMAN FLORES: Because they're a member of  
6   the collaborative.

7           COMMISSIONER O'CONNELL-DIAZ: Well, there's 200  
8   some-odd members of the collaborative, so why are we  
9   hearing from the AG?

10          MR. ANDERSON: I would say you'd want to hear  
11   from the AG or --

12          COMMISSIONER ELLIOTT: CUB.

13          MR. ANDERSON: No, CUB is more pro smart grid  
14   than the AG and AARP are.

15          CHAIRMAN FLORES: This is what I recommended --  
16   we are gathering information. One of the reasons why  
17   we were looking to have this policy committee was  
18   Sherman and I have been talking about some ideas that  
19   we have frankly in terms of smart grid technology and  
20   some other policies and we want -- and in discussion  
21   with all of you in this open -- we were envisioning  
22   having this open meeting was to get a sense of how we

1 can also provide the kind of input that we'd like in  
2 this collaborative to get the result that we want and  
3 not that some other group --

4 COMMISSIONER O'CONNELL-DIAZ: I'm just going to  
5 say one thing. I'm putting it out there because I  
6 think we really need to be thinking about when we're  
7 in these meetings and obviously having these public  
8 discussions that we've got our thoughts lined up. I  
9 think that we need to be conscious that there's  
10 always -- we don't want to look like fools on a  
11 transcript. So I think we need to think about that  
12 before we go into the meeting and be prepared.

13 COMMISSIONER ELLIOTT: I think we can do that  
14 setting the agenda. It is going to be difficult with  
15 this many collaborators to find out on a limited time  
16 frame who are the parties that should present their  
17 views on whatever issues we determine the agenda  
18 should cover.

19 MR WITNESS: You definitely don't need to hear  
20 from AARP and the AG and the City. You need to hear  
21 from one of them because they have the same  
22 perspective.

1           COMMISSIONER ELLIOTT:  It's almost like setting  
2   the schedule for an oral argument.

3           COMMISSIONER FORD:  Then have Internex and  
4   let's stare at the AG since, you know that's going to  
5   be the people that's going to cause gripes.

6           CHAIRMAN FLORES:  I think it's going to be  
7   instructive.  I'm not suggesting that we  
8   automatically adopt before --

9           COMMISSIONER FORD:  Oh, I know.

10          CHAIRMAN FLORES:  -- but at the minimum, we can  
11   see where some of these groups are going to be coming  
12   from before we get to that point.

13          MR. ANDERSON:  And I'm guessing at the most  
14   five.

15          CHAIRMAN FLORES:  I think the other reason why  
16   this meeting is so important is, again, to the work  
17   that we first started, it's important that these  
18   stakeholders also know what the expectations that the  
19   ICC has given that the ICC was the driving force  
20   behind calling for this collaborative to begin with.

21          MR. ANDERSON:  There's been a good amount of  
22   time since the order left off to where we are now and



1 the final report is due in October. After that the  
2 order calls for a policy docket, which becomes I  
3 think really what you guys want to make clear for.  
4 It's probably too late to engender a lot of change to  
5 the collaborative, it's going to have a finish up.  
6 But that policy docket is going to be the important  
7 thing.

8 COMMISSIONER ELLIOTT: It really is. It's sort  
9 of the initiating order of the scoping of that policy  
10 docket that's going to be the key. And hopefully --  
11 I think the idea was that the smart grid  
12 collaborative would inform us of what the broad scope  
13 should be.

14 COMMISSIONER FORD: What I think is going to  
15 come out of this --

16 COMMISSIONER ELLIOTT: There's a question as to  
17 whether or not it's going to do that.

18 CHAIRMAN FLORES: I've looked at some of the  
19 doubts and I think we definitely need an update  
20 sooner rather than later.

21 COMMISSIONER FORD: I want an update, but I'm  
22 saying if you have 250 people, they should be in

1 segments. Why are they grouped?

2 MR. ANDERSON: Well, it's in terms of activity.

3 COMMISSIONER O'CONNELL-DIAZ: I said 250. I  
4 don't know if it's exactly that number, but it's a  
5 large number.

6 MR. ANDERSON: If GE is monitoring it, that  
7 doesn't mean they are necessarily talking at the  
8 meetings, they might just be on the list. I didn't  
9 mean to say that that's what they are doing, that's  
10 an example.

11 COMMISSIONER O'CONNELL-DIAZ: You've got  
12 investment people in those meetings.

13 MR. ANDERSON: This is just an idea, you guys  
14 decide what you want to do. Internex can give the  
15 overview. ComEd could represent the utilities  
16 because they're the active utility Ameren really  
17 isn't. CUB, I think you definitely want to hear from  
18 because they have a pro smart grid perspective that's  
19 different. The people that would be hesitant about  
20 it would be the AG, AARP group kind of thing, whoever  
21 you want to hear from.

22 COMMISSIONER ELLIOTT: Hesitant?

1           COMMISSIONER FORD:   Okay.   We've got our group.  
2       How long are we talking about for this policy  
3       meeting, an hour?  
4           CHAIRMAN FLORES:   This is not a policy meeting.  
5           COMMISSIONER FORD:   Usually an hour and a half  
6       to two hours?  
7           CHAIRMAN FLORES:   Max.  
8           COMMISSIONER FORD:   Then we have four people.  
9       Give Internex the most time and give the whose  
10      representing all the utilities the next core amount  
11      of time and give everybody else ten minutes.  
12           MR. ANDERSON:   And like Commissioner Elliot  
13      mentioned, you're going to hear the problems from the  
14      people that come after Internex -- and staff should  
15      be there.  
16           COMMISSIONER FORD:   Definitely staff.  
17           MR. ANDERSON:   So what you've got then is  
18      Internex probably giving, since they're the higher  
19      facilitator, there's is probably going to sound rosy.  
20      This is what we've worked out.   It's working real  
21      well.   Things are great.   Then everybody else is  
22      going to say we think it should be done this way or

1     like tis and you'll probably get something from  
2     everybody.

3             COMMISSIONER FORD:   Then that's our next  
4     meeting.   That's our next overview.

5             MR. ANDERSON:   But I think that give you what  
6     you need.

7             COMMISSIONER FORD:   Absolutely.

8             CHAIRMAN FLORES:   Very good.

9                     So then the next matter is the  
10    scheduling protocol of future policy committee  
11    hearings.   That was a point I brought up and really  
12    what I meant by that was can we reach an agreement  
13    that if we are planning on holding a policy committee  
14    meeting that we first look at a pre-bench date just  
15    as a basic marker an as a default date that we all  
16    can agree on given that it's already on the calendar?

17             COMMISSIONER O'CONNELL-DIAZ:   I would suggest  
18    that it's a really good idea, but I think we should  
19    look at this pre-bench date as well as the bench date  
20    because some days if we don't have anything and then  
21    for us to travel down to Springfield, the cost and  
22    everything, sometimes it's not good.   And then if we

1     were going to do it, we would do it on the Wednesday  
2     right after bench.

3             COMMISSIONER ELLIOTT:   I could do it one day  
4     the bench in the morning and a policy meeting in the  
5     afternoon.

6             COMMISSIONER O'CONNELL-DIAZ:   I'm just thinking  
7     about money.

8             MR. ANDERSON:   It's kind of the way you guys  
9     tend to do oral arguments.

10            COMMISSIONER O'CONNELL-DIAZ:   So we really need  
11    to look at the pre-bench days and the bench days as  
12    the days we would do a policy meeting and then we can  
13    work with that.

14            MR. ANDERSON:   Can I go back real quick to this  
15    pre-bench on April 6th.   Are you guys going to set  
16    that up or how is that going to work?

17            COMMISSIONER ELLIOTT:   Mike, do you have  
18    something?

19            JUDGE WALLACE:   I just want to point out that  
20    if you used pre-bench we normally don't -- I think  
21    it's happened to let other people speak, but you have  
22    to be cognisant of that fact that usually pre-bench

1 is just the Staff speaking.

2 COMMISSIONER O'CONNELL-DIAZ: We would do a  
3 separate policy meeting after pre-bench. We would  
4 have pre-bench and end that meeting and then go into  
5 the policy meeting.

6 JUDGE WALLACE: Okay.

7 CHAIRMAN FLORES: Right. We're just referring  
8 the pre-bench date and the bench dates as the dates  
9 designated to hold -- we're not saying that we're  
10 going to hold a policy committee meeting, per say,  
11 during the time period that has been designated for  
12 pre-bench or bench. Does that make sense?

13 JUDGE WALLACE: It's okay. You can do it that  
14 way, you just need to keep in mind that if you're  
15 going to do it on a pre-bench day and have it follow  
16 the normal pre-bench, we still need to have an agenda  
17 and I don't know what you want to call it  
18 necessarily.

19 CHAIRMAN FLORES: We'll just call you in  
20 advance and you will notice it up and everything. We  
21 know that you still have to follow the 48-hour rule  
22 with regards to notice for having the policy

1 meetings.

2 MR. ANDERSON: I think the confusion is coming  
3 in with the idea that this April 6 meeting not being  
4 a policy committee meeting. I think it maybe should  
5 be.

6 COMMISSIONER ELLIOTT: I think it should be.

7 CHAIRMAN FLORES: Should be what?

8 MR. ANDERSON: A policy committee meeting.

9 CHAIRMAN FLORES: We can't have our cake and  
10 eat if too folks. It's either a docketed proceeding.

11 MR. ANDERSON: It's not docketed.

12 COMMISSIONER ELLIOTT: The collaborative is the  
13 result of the Commission Order. And the Commission  
14 Order said informally work together and then formally  
15 file something at a date certain.

16 COMMISSIONER FORD: This is an update.

17 MR. ANDERSON: The collaborative is a  
18 nondocketed workshop process.

19 COMMISSIONER ELLIOTT: I think we're okay in  
20 having them come and tell us what's going on in the  
21 process.

22 MR. ANDERSON: If you want to start talking

1 about the details of AMI deployment from the pilot  
2 docket, that might be a problem or if you want to  
3 talk about something else -- is that still open?

4 MS. STEPHENSON-SCHROEDER: There are some other  
5 ones and this is what the two attorneys are working  
6 on --

7 CHAIRMAN FLORES: You know, I just think for  
8 the sake of argument, I think we should just go.  
9 This thing is not going away. The reality is there's  
10 a pre-bench that's already scheduled every month and  
11 this is an important collaborative. If we find after  
12 our update this we have to meet more regularly, then  
13 we just meet as a regular group on pre-bench. We're  
14 already scheduled anyway and we dictate whether it's  
15 pre-bench. We have pre-bench scheduled every month.

16 COMMISSIONER ELLIOTT: I think the difference  
17 is the meeting itself.

18 MS. STEPHENSON-SCHROEDER: You can only do  
19 certain things -- correct me if I'm wrong, Mike,  
20 here's what you can do at a pre-bench meeting.

21 CHAIRMAN FLORES: What can you do at a  
22 pre-bench meeting, Mike.



1 JUDGE WALLACE: Well, if you put something on  
2 the agenda you can do anything. I was just pointing  
3 out historically that bench and pre-bench meetings  
4 speakers are limited to Staff.

5 CHAIRMAN FLORES: We're going to have to change  
6 that.

7 MR. ANDERSON: If that's not required, then  
8 it's not a problem. Is it a requirement or practice?

9 COMMISSIONER ELLIOTT: It's just a tradition.

10 JUDGE WALLACE: It's a practice and I'm just  
11 point it out. If you want to deviate from that,  
12 that's fine with me.

13 MR. ANDERSON: I think one of the things that  
14 Commissioner O'Connell-Diaz mentioned about having  
15 ComEd come in after a storm, I think we might have  
16 done a policy meeting one time, but I think one time  
17 we did it at the end of a regular bench.

18 JUDGE WALLACE: Some of those things if you do  
19 them as policy it's a little easier, I think.

20 CHAIRMAN FLORES: I just think here what's in  
21 question is whether or not this is a docketed  
22 proceeding. So if we are going to be -- I would

1     just -- I think there's a question as to whether or  
2     not it's part of a docketed proceeding. I think to  
3     play it safe, you just put it on the next pre-bench.  
4     It's an update. It's already scheduled. There is  
5     nothing that prevents us so long as we put it on the  
6     agenda.

7             MS. STEPHENSON-SCHROEDER: Let me just verify  
8     everything just to make sure we're not crossing into  
9     any other --

10            MR. ANDERSON: Or just red line around the  
11     things that you can't. It's not docketed. The  
12     collaborative is purposefully not docketed. It was  
13     constructed that way. You can get an update on the  
14     collaborative.

15            MS. STEPHENSON-SCHROEDER: I think there is  
16     more than just  
17     one other and I need to check and see what that is.

18            CHAIRMAN FLORES: Commissioner, you seem  
19     hesitant.

20            COMMISSIONER O'CONNELL-DIAZ: I would defer to  
21     let Mary check on this, but I certainly wouldn't want  
22     us to go into an area where we're going to have egg

1 on our faces. So let's just be cautious about it and  
2 let OGC walk through it.

3 CHAIRMAN FLORES: Why don't we do this, just  
4 for the sake of keeping the ball moving forward, I  
5 don't think it's going to create a problem. I think  
6 there's a question as to whether or not we can do  
7 this as a regular policy meeting or not. The bottom  
8 line is this -- I'm also keeping in mind the e-mail  
9 that you sent to us Tim and I think the e-mail was  
10 sent two weeks ago already asking for the update.

11 MR. ANDERSON: Probably.

12 CHAIRMAN FLORES: And in that e-mail you sent  
13 out you were looking for a date of when to hold a  
14 meeting so can we agree to hold the date on April 6  
15 for the update.

16 COMMISSIONER O'CONNELL-DIAZ: I don't think  
17 there's an issue of that. The issue is a whether  
18 it's going to be part of the prevent or it's going to  
19 be a separate policy meeting.

20 CHAIRMAN FLORES: And, Mary, then between that  
21 time you can tell us what it is or not, but I think  
22 we also need to tell Tim because some of the folks

1     that we were working with we've got to tell them  
2     right away to put them on the schedule.

3             MR. ANDERSON:  Especially Internex because  
4     they're the ones that don't live here.  I gave you  
5     rundown of who I thought off the top of my head, but  
6     I'd like to make sure you guys give me a list of who  
7     you want to here from and then I'll contact them  
8     otherwise it's me picking and choosing.

9             COMMISSIONER FORD:  You don't want your head on  
10    the platter.

11            MR. ANDERSON:  I'll put it there.  I don't mind  
12    if it's on there their platter.  I don't want it on  
13    your platter.

14            CHAIRMAN FLORES:  And then, again, Judge  
15    Wallace, just to clarify for you, what we are talking  
16    about moving forward in terms of scheduling regular  
17    policy meetings.  We're not talking about the update  
18    here on the smart grid collaborative.  We're talking  
19    about regular policy meetings that we would plan on  
20    scheduling those meetings either on pre-bench or  
21    bench days that are already scheduled on the  
22    calendar.

1 JUDGE WALLACE: I understand that.

2 CHAIRMAN FLORES: Okay. Then there is the  
3 final matter that someone asked. I don't know who  
4 added this on the agenda, Commission calendar.

5 COMMISSIONER O'CONNELL-DIAZ: Not me.

6 CHAIRMAN FLORES: Very well. I did have one  
7 other matter, it was more of a procedural matter, but  
8 before I ask I want clarification from counsel.

9 COMMISSIONER ELLIOTT: Let's go back to the  
10 Commission calendar. I think Carol may have raised  
11 that issue with April 27. I think there is a bench  
12 session date and I think some of us are going to be  
13 gone.

14 JUDGE WALLACE: It's a regular open meeting  
15 date on April 27th.

16 COMMISSIONER COLGAN: It's about the convergence  
17 of three rate cases for about a week and you guys  
18 won't be there.

19 COMMISSIONER FORD: I thought we would change  
20 it to the 26th.

21 CHAIRMAN FLORES: Do we all agree on the 26th  
22 then?

1           COMMISSIONER ELLIOTT: I think we can do it on  
2 the morning of the 26th.

3           COMMISSIONER O'CONNELL-DIAZ: Well, let's look  
4 at those dockets and see if we can get them done the  
5 week before.

6           COMMISSIONER ELLIOTT: We can also cancel the  
7 meeting and reschedule it, but I think it would be  
8 better to move the 27th to the 26th.

9           COMMISSIONER COLGAN: I think there's three  
10 cases. MidAmerica seems like it's the simplest case  
11 and then I think Illinois American Water is second in  
12 ranking and then the Ameren case. So if we could  
13 dispose of one, take them in that priority order and  
14 get those off the calendar so that we can have -- I  
15 would like to see us have some serious focused  
16 attention on all of these. They are very important,  
17 all of them; but to take them in that order and I'd  
18 like to have like maybe a weeks time to be focused on  
19 that Ameren case.

20          JUDGE WALLACE: Good luck with that.

21          COMMISSIONER O'CONNELL-DIAZ: Once you get the  
22 proposed order, you can start focussing because

1 things will flow out of that. So all of our  
2 assistants will be reading that, as well we should,  
3 and be developing areas that we have issues with and  
4 then we need to talk amongst ourselves and get your  
5 votes organized and also get language organized. We  
6 can't be, on the morning of the 26th, looking for  
7 language.

8 COMMISSIONER COLGAN: This is my point, we came  
9 up to the Peoples case and was right up to the last  
10 minute and you can say "good luck with that" all you  
11 want, but that's no way to run a railroad. I want to  
12 have some focussed attention and not have everything  
13 come and due all at the same time.

14 CHAIRMAN FLORES: Can we agreed to a schedule  
15 right now in terms of when we would like to have  
16 these --

17 COMMISSIONER ELLIOTT: As a point of future  
18 reference, Commonwealth Edison has made it plain that  
19 they're coming in for a rate case. As a point of  
20 practice, when Commonwealth Edison files, everyone  
21 else does too, specifically for the reason that  
22 everything comes through all at once. It's a

1 deliberate tactic to overtax our Staff, our resources  
2 and us. So this is a point of future reference.

3 JUDGE WALLACE: Can I interrupt.

4 COMMISSIONER ELLIOTT: Commissioner Colgan, I  
5 wasn't trying to be flip, it's just that the three  
6 cases are coming due precisely for what Commission  
7 Elliott said. They all filed within the same frame.  
8 So that's why we set schedules to try to give you as  
9 much time as possible, but they still all filed  
10 within days of each other. So that's way beyond our  
11 control.

12 We've got a request for oral argument  
13 in Illinois American, and I'm fairly certain that  
14 we'll have a request for oral argument in Ameren. So  
15 those two things have to be scheduled too.

16 COMMISSIONER O'CONNELL-DIAZ: And here's  
17 something I think we can do in the interim. I think  
18 we can all go and look at what the deadlines are for  
19 those cases. We can look at our schedules. We may  
20 have to meet extra days to deal with all of this  
21 stuff. If we have more questions, then we can get  
22 together for those Tuesday and Wednesday sessions.



1     That's something that the Commission does do, but we  
2     also need to develop a timeline for us and our  
3     language changes and have those done in a certain  
4     period of time so we aren't scrambling at the last  
5     minute because we won't have the time and it will get  
6     too confusing.

7             COMMISSIONER FORD:   We're going to have to get  
8     or Staff because John has no one and I always want my  
9     optimum level.   That is priority because he cannot do  
10    it alone.

11            MS. STEPHENSON-SCHROEDER:   Can I just say one  
12    thing since Commissioner Ford opened that door.   It's  
13    kind of off topic, but since many of you are going to  
14    be having new assistants, some are familiar with the  
15    procedures here and some are completely new, I am  
16    having a training next Tuesday for some of the new  
17    assistants.   And if Commissioners are participating  
18    in that training, they need to because it is  
19    mandatory.   But I also do need to work with the new  
20    assistants because some persons have had involvement  
21    in matters here and they will have to recuse  
22    themselves if they have touched upon any of those

1     matter.  So it's something we need to keep in mind  
2     that I need to work with all of you on.  I know some  
3     of you are very familiar with that, but we do have  
4     some assistants staff here and have worked on cases.  
5     So we need to be cognisant of that.

6             COMMISSIONER O'CONNELL-DIAZ:  We've got to get  
7     a template together and get the last date of  
8     revisions to the order because otherwise we would not  
9     get that work done.

10            COMMISSIONER ELLIOTT:  And we need to back off  
11    from when we get the proposed order to and the  
12    changes need to be made.

13            COMMISSIONER O'CONNELL-DIAZ:  We should be  
14    getting the proposed order certainly within three  
15    weeks of the drop-dead date.

16            COMMISSIONER COLGAN:  I think we have  
17    everything on the MidAmerica case.

18            JUDGE WALLACE:  The proposed orders have been  
19    out.

20            COMMISSIONER O'CONNELL-DIAZ:  I mean the final  
21    order we'll get.

22            CHAIRMAN FLORES:  We also have some experienced

1 assistants and so next week your meeting with those  
2 assistants Mary, the new ones, and I think we tell  
3 them when we break from this meeting that we want to  
4 set this timeline up. We all know that we have these  
5 cases, let's get them to start thinking about working  
6 with us individually and collectively on the timeline  
7 we're going to agree to. There's a very  
8 collaborative environment with regards to the way --  
9 with the assistants. So we'll be okay. We just ave  
10 to give them some instruction, give them the timeline  
11 that we're looking for. All right.

12 Any other matters? If that's it, then  
13 I'd like to adjourn this meeting and we'll get those  
14 schedules.

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